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FAMOUS CRIMES

PAST AND PRESENT

ONE · PENNY

THE FINDING OF THE BODY OF MARY ASHFORD.

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The TRIALS of ABRAHAM THORNTON for the MURDER of MARY ASHFORD

"What win I if I gain the thing I seek,
A dream, a breath, a froth, a fleeting joy,
Who gains a minute's mirth to wail a week
And sells eternity for but a toy!"
—SHAKESPEARE, "Rape of Lucrece."

THE most extraordinary case of the violation and murder of Mary Ashford excited the greatest interest throughout England, together with feelings of melancholy and regret for the unhappy female, and of indignation and disgust at the unparalleled wickedness of the crime.

Mary Ashford was a girl of great personal attractions and in the bloom and prime of life; she was only 20 years of age at the time of her cruel death, and up to that period had borne the most irreproachable character. She was of poor but respectable parents, her father being a gardener at Erdington, near Birmingham. She had been living for some time with her uncle, Mr. Coleman, a small farmer, residing a short distance from Erdington, at a place called Langley Heath, in the County of Warwick. Mary was well known and greatly respected in Erdington. She was five feet four inches in height, remarkably lively, of a sweet and agreeable disposition, mild and unassuming in her manners, and strictly virtuous in her conduct and principles.

On May 26, 1817, Mary Ashford went from her uncle's house at Langley to the market at Birmingham, and on her way there called upon a friend of hers, named Hannah Cox, who lived at Erdington; she arranged with Miss Cox to be back early in the evening, for the purpose of going to a dance at a public-house at Tyburn, known as Tyburn House. It appears that a dance usually took place there at the conclusion of an annual feast of a friendly society held on the premises, and, though she was not in the habit of attending dances, she did, unfortunately, attend this one.

Abraham Thornton, the accused, was present also, and was so captivated with the fine figure and attractive appearance of Mary Ashford that he made inquiries about her friends, and, being informed who they were, was heard to say, "I have been intimate with her sister, and will with her, or die for it!" He danced with the ill-fated girl, paid her marked attention, accompanied her from the dance homewards, and was afterwards seen with her by a stile, on the side of the high road, at a quarter to three in the morning. Before four o'clock she called on her friend, Cox, at Erdington, and was perfectly calm, in good health and spirits, and she left her friend about four o'clock. On leaving Cox at Erdington, in the morning of May 27, 1817, on her way across the fields to her uncle's house at Langley Heath, and about a mile distant from Erdington, the fatal deeds were committed which formed the subject of the trials of Abraham Thornton, as a short time afterwards her body was found in a pond, near Penn's Mill, in the parish of Ashton, in such a situation as proved that she must have been thrown in while in a state of insensibility, and her clothes being covered with dirt and blood, led to an examination, which disclosed the fearful fact that her person had been violated by force previous to her being thrown into the pond.

On an examination being made of the ground in the vicinity of the pond, traces of the footsteps of a man and a woman were discovered impressed in the soil, and a careful and intelligent investigation showed where the parties had run, walked, and dodged. The footsteps of the woman were proved to be those of Mary Ashford, from a comparison with her shoes, which, with a small bundle she had with her, were found lying on the edge of the pond, whilst the prints of the man's footsteps were remarkable for the peculiar manner in which the soles of the shoes were nailed and from the absence of certain nails from each shoe. There was, also in addition to these traces, a track of blood, commencing in drops in the immediate neighbourhood of the pond, and gradually increasing in quantity, which led the observer to the foot of a tree, at some distance off, where the grass showed distinct signs of a violent struggle having taken place. In the middle of this impression was a very considerable quantity of coagulated blood, and it was clearly evident from other impressions on the ground that the murderer, having completed his fiendish purpose, had carried his victim in his arms, and that from her body had dropped those streams of blood which were traced to the edge of the pond, for on the path, and parallel to the line of blood, the traces of the man's footsteps were discovered, while those of the woman were totally absent; and so evident was it that but one person had gone this way, and by the path only, that the dew was not brushed from the grass over which the blood had dripped.

These discoveries being made, steps were at once taken to detect and bring to justice the perpetrator of such atrocious crimes; and from the well-known looseness of his character, he having been seen with the deceased in the fields a short time before her death, and, above all, from the infamous declaration of his intention to be intimate with her, suspicion unequivocally pointed out as the ravisher and murderer of Mary Ashford her companion in the dance, Abraham Thornton.

This man was well-proportioned and powerful, of about 25 years of age, 5 feet 7 inches in height, and of ferocious and forbidding aspect. He was the only son of a respectable builder at Castle Bromwich, in the County of Warwick, and had from his youth up to the time of the dreadful catastrophe, worked with his father as a bricklayer. His breadth of shoulders and depth of chest were much above the average, but excessive corpulence had swollen his figure into a size somewhat approaching deformity. His face was bloated and shining, his neck short, red, and very thick, but his limbs were well proportioned. He was a great adept in gymnastic games, and accounted one of the

strongest men in the county. So athletic was his figure that his armpits did not possess the usual cavities, but were fortified with powerful ligaments.

Thornton was immediately arrested, and on an examination of his clothes being made, marks of blood were found upon them, corresponding with those on the unfortunate girl. His boots were compared with the traces of footsteps in the fields, and found to agree therewith in every detail. On the examination of the prisoner on May 27, before William Bedford, Esq., magistrate for the County of Warwick, the foregoing facts were fully proved, and the prisoner was committed for trial.

On August 8, 1817, Abraham Thornton was capitally indicted at the Warwick Assizes for the wilful murder of Mary Ashford, and it may be safely asserted that no trial upon record ever excited so universally the attention of all ranks of people. By six o'clock in the morning, immense numbers of people had assembled before the gates of the County Hall, using every effort to gain admission, and by eight o'clock, the time fixed for the trial to commence, the press at the doors was so great that it was with the utmost difficulty that way could be made by the javelin-men for the entrance of the witnesses and other persons who were subpœnaed either for the prosecution or defence of the prisoner. The general public were not admitted until after nine o'clock, at which time the court was crowded in all parts. The judge entered and took his seat a few minutes after eight, when Mr. Hilditch, Clerk of the Arraigns, proceeded to call over the names from the panel for the purpose of forming a jury. The jurors having answered their names and entered the jury-box, were then sworn, one only being challenged by the prisoner, who had been placed in the dock in the meantime, and the trial began.

The indictment, which consisted of two counts, was then read over by the officer of the court. The first count charged the prisoner, Abraham Thornton, with having, on May 27 last, in the royal town, manor, and lordship of Sutton Coldfield, in the County of Warwick, not having the fear of God before his eyes, but being moved by the instigation of the devil, wilfully murdered Mary Ashford by throwing her into a pond of water.

The officer then asked: "Abraham Thornton, are you guilty of this murder or not guilty?"

To which he replied, "Not Guilty."

Officer: "God send you a good deliverance."

The second count was then read over, charging the prisoner with having, on the morning aforesaid, committed a rape on the body of the said Mary Ashford, and the officer again asked, "Prisoner, are you guilty of this rape and felony or not guilty?" To which he replied as before, "Not Guilty," and again the officer responded, "God send you a good deliverance."

The judge was Mr. Justice Holroyd, the counsel were, for the prosecution, Mr. Clarke, Mr. Serjeant Copley, and Mr. Perkins; for the defence, Mr. Reader and Mr. Reynolds.

THE TYBURN HOUSE, CASTLE BROMWICH.
Where the dance was held.

The junior counsel, Mr. Perkins, briefly stated the nature of the charges against the prisoner, and then Mr. Clarke, the leading counsel for the Crown, addressed the jury at length, giving a summary of the evidence which he would bring before them to prove that the prisoner was the actual murderer of the deceased girl. The learned counsel having sat down, the other counsel for the prosecution proceeded to examine evidence to substantiate the charge against the prisoner.

Hannah Cox was the first witness, and she was examined by Serjeant Copley. Her evidence proved that Mary Ashford called at her house on her way to Birmingham at ten o'clock in the morning of Monday, May 26, 1817. She had a bundle with her and said she was going to Birmingham market. The bundle contained a clean frock, a white spencer, and a pair of white stockings. Cox accompanied her to the house of her (Cox's) mother, a Mrs. Butler, who lived opposite, where deceased left the bundle, and then went on to Birmingham. She promised to come back as soon as she could, as she was going with Cox to a dance at Daniel Clarke's, at Tyburn House. This

is a public-house, about two or three miles from Erdington on the turnpike road. Deceased returned about six o'clock in the evening, and she and witness went to Mrs. Butler's, where deceased changed her dress, and put on the clothes before described, with a pair of new shoes which Cox had

Paid her marked attention.

fetched from a shoemaker's at Erdington. She left her other clothes at Mrs. Butler's, and the two then set out to the dance, between seven and eight o'clock, and they remained at Tyburn House till between eleven and twelve o'clock, and then the deceased, Abraham Thornton, Benjamin Carter, and the witness, Hannah Cox, all went towards Erdington. Thornton and Mary Ashford walked on in front, and after going some distance Carter went back and Cox followed them, and when she overtook them walked with them some part of the way home. She left them together near to a public-house called the Old Cuckoo, kept by a man named Potter, and went to her mother's (Mrs. Butler) house and retired to bed. The place where Cox left Ashford and the prisoner was about two or three miles from witness's house. In the morning Mary Ashford came to Mrs. Butler's house and called Cox up. She let deceased in, and on looking at the clock found it was twenty minutes to five, but witness said that the clock, by the other clocks in the neighbourhood, was not right, being some minutes fast. At this time deceased was in the same dress she had on overnight, and she did not appear at all confused or agitated. She changed her dress, putting on again the one she had left on the previous night, and when she had done so tied up the clothes she took off in a bundle along with some market things, sugar, etc. She wrapped the boots in a handkerchief and kept her shoes on. She was in the house about a quarter of an hour, did not sit down, but stood up even while changing her clothes and stockings. In cross-examination she said she knew the father of the deceased, who was a gardener at Erdington, and the grandfather of the deceased lived near Bell Lane, about two or three miles off. The place where witness parted with prisoner and deceased was about two or three miles from her (witness's) house. When deceased had called her up Cox asked her how long Mr. Thornton stopped, and deceased said, "A good bit"; she also told Cox that she had slept at her grandfather's—that is to say, from the time she left Cox till she called her up about 4.40. She also informed witness, in reply to a question, that Thornton had gone home, and when she left she said she was going to her grandfather's.

The next witness was the man Benjamin Carter, who corroborated what the previous witness had said about Mary Ashford, Thornton, Cox, and himself leaving the Tyburn House between eleven and twelve p.m. on the night of May 26.

John Umpage deposed that on Tuesday morning, May 27 he was at a house at Penn's, and a little after two a.m. he heard somebody talking in the road. He heard the talking from shortly after two until a few minutes before a quarter to three, when he started for home. As he was on his way home he saw a man and a woman at a stile at the bottom of the foredrove which led into Bell Lane, and the latter led towards Erdington. When he came up to the stile he saw that the man was the prisoner, Thornton, whom he knew, but he could not recognise the woman, as she held her head down, being apparently desirous of not being recognised. He said, "Good morning" to Thornton, who replied, "Good morning." The girl was standing and the prisoner was leaning against the stile.

Thomas Asprey said that about half-past three o'clock in the morning of the 27th May he saw Mary Ashford in Bell Lane, close to the horse-pond; she was going towards Erdington and was walking very fast; she was alone, and witness looked up Bell Lane in the direction from which she was coming, but saw no other person either there or about there. The deceased was going towards Mrs. Butler's house, which was about a quarter of a mile from the spot where he saw her.

John Kesterton stated that he lived with a farmer named Greensall, and on Tuesday, May 27, he put his horses

Carried his victim in his arms.

to the waggon at 4 a.m., and then took them to the pond by the side of the road in Bell Lane to water. When the horses had drunk, he turned them round and went straight off for Birmingham, along the road through the village of Erdington. When he got a little way past Mrs. Butler's

house, he looked back, and saw Mary Ashford coming from out of Mrs. Butler's entry. He knew her, and cracked his whip to attract her attention, whereupon she turned and looked towards him. This was at a quarter past four; when she came out of the entry she went up Bell Lane, the road that led to Freeman's and Penn's; she seemed to be going in a hurry. He saw no person but her in the lane.

Joseph Dawson deposed that he saw Mary Ashford about a quarter past four on the morning of May 27. She asked him how he did, and passed on. She had on at the time a straw bonnet and scarlet spencer, and had a bundle in her hand. It was between Bell Lane and Mrs. Butler's house that he saw her, and he and she were close together in the road between Butler's house and Bell Lane, near Henry Holmes's house. When she parted from him, she was going towards Bell Lane, and walking very fast. He did not see any man about at that time. The way she was going would be the way either to her grandfather's or her uncle's, where she lived.

Thomas Broadhurst remembered being on the turnpike road leading from Tyburn. He crossed the Chester Road leading by Freeman's house, and crossed Bell Lane. Before he came up to Bell Lane he saw Mary Ashford crossing the road from Erdington towards Penn's; she had a bundle in her hand and was walking fast. He asked a man who was trenching, about two hundred yards below, what time it was, and he said it was about ten minutes past four o'clock. When Broadhurst got home it wanted twenty minutes to five, but he knew the clock was a quarter of an hour fast.

George Jackson said he left Birmingham on Tuesday, May 27. It was five o'clock a.m. when he was at the top of Moor Street. He was going beyond Penn's Mills, between Newhall Fields and Sutton, to work. From Birmingham he came to the Workhouse at Erdington, and then along the road to Penn's Mills. He turned out of the road into the foredrove that leads for Penn's, out of Bell Lane, and going along that footroad, he came to a pond, and close to the edge thereof he observed a bonnet, a pair of shoes, and a bundle. They were close to the top of the slope leading down into the pond. On looking at them, he noticed that one of the shoes was bloody, and he then went towards Penn's Mill to fetch a person to come and look at them. He met a man named William Lavell coming out of his house, and they went to the pond together, and Broadhurst told him to stand by the things while he fetched some people to come and examine them. Going down from the pit along the footpath, he saw some blood about thirty yards from the pit. He went a little farther, and saw a pool of blood by the side of a bush, and some more to the left, on some grass. He went on to Penn's Mills, got assistance, and sent to Lavell at the pond. The distance from Birmingham to the pond might be about five miles. He arrived at the pond about half-past six.

William Lavell deposed that he was a workman at Penn's Mills, and he remembered seeing George Jackson on May 27. From what he heard from Jackson, he went up to the pond, and afterwards went along a footpath running through a harrowed field and leading from Erdington to Mill Lane.

ON HIS WAY HOME HE SAW A MAN AND WOMAN.

This field adjoined the field in which the pond was. He first discovered the footsteps of a man going from the pond towards Erdington. Higher up the path he discovered a woman's footsteps, which were going the same way as those of the man. He traced the steps of the man and the woman, but the two footsteps never met together at any time. They came so far together as to run near each other when about fifteen yards from the hedge. By the stride and sinking into the ground of the footsteps, he could tell the parties were running. He traced them up to the far corner of the field, and when he got there he observed they had been dodging backwards and forwards. He could not tell whether they appeared to be still running; they seemed shorter, as if they had been dodging about. Together with a man named Bird, he afterwards went to the field to try the footsteps by Abraham Thornton's shoes. They tried the shoes on about a dozen of the footsteps, and they fitted them exactly. They compared the shoes with the prints where the man and woman appeared to have been running together, and there they also fitted. They also took Mary Ashford's shoe and compared it with the woman's steps they had traced, and with all these footsteps it so completely corresponded as to leave no doubt in his mind that the woman's steps all along were made by those shoes. "I know

the slope of the pond where the body was found, and saw one footstep near the edge of the slope which appeared to be a man's. The direction of that step appeared to be the left foot sideways, and it inclined towards the slope, but I forgot to compare the shoe with that."

Joseph Bird corroborated the last witness in every detail.

James Simmons, a labourer at Penn's Mills, said he went to the pond on the morning of May 27, about seven o'clock, and afterwards went home and fetched a rake and some long reins; then came back and dragged the pond for the body, and, after throwing the rake into the water three or four times, the body of Mary Ashford was dragged out. When it was taken out of the water there was a little mud and some old oak leaves about the face.

Joseph Webster said he lived at Penn's Mills, and was the owner of the mills. On May 27 he was informed that a woman was drowned in a pond not far from his house, and in consequence of receiving that information, he went to the pond immediately. As soon as he got there the body was taken out of the water; this was about eight o'clock. He ordered the body to be taken to the house of William Lavell, and sent the bundle, bonnet, and shoes with it. He observed on a spot about forty yards from the pond a considerable quantity of blood. It lay in a round space, and was as large as he could cover with his extended hand. Here was the impression of a human figure on the grass on the spot where the blood was. The shoes he had sent with the body were stained with blood. He compared the shoes sent with the body to Lavell's with the traces of a woman's foot which had been pointed out to him by Joseph Bird, and they corresponded exactly. After comparing the shoes, he went to Lavell's to examine the body. The spencer had been taken off. He observed on each arm what appeared to be marks from the grasp of a man's hand.

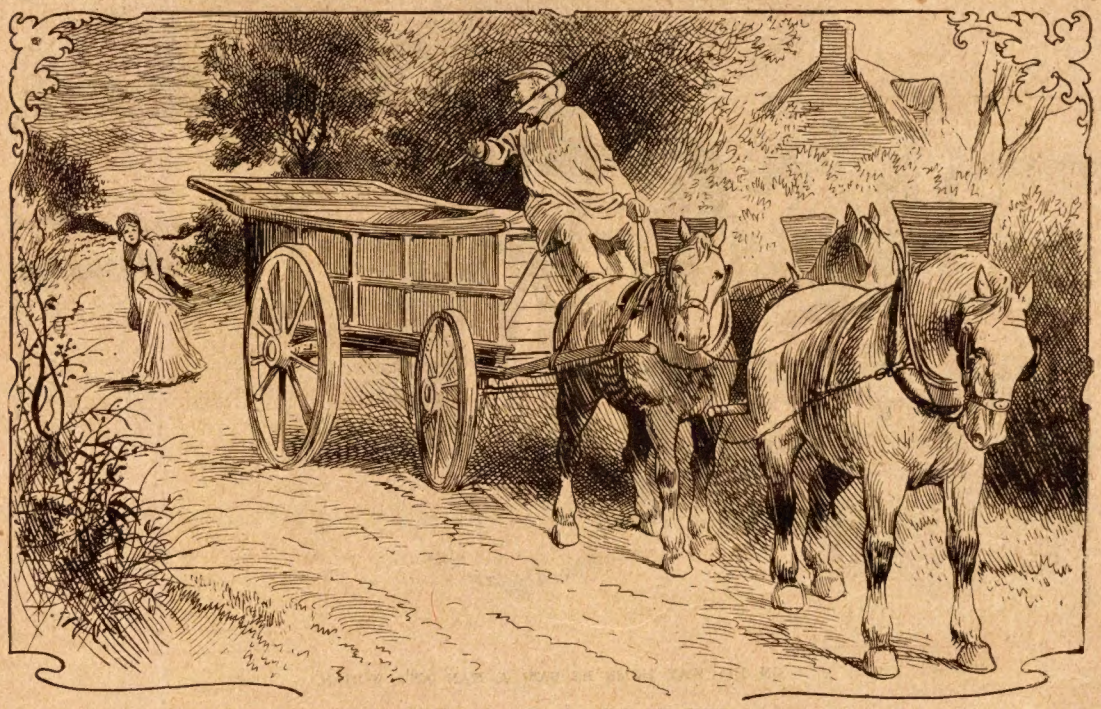
He knew Mrs. Butler. He set his watch with Mr. Crompton's, and then went the same morning to Mrs. Butler's house at Erdington to examine her clock.

In cross-examination, he said he examined Mrs. Butler's clock very accurately, and it was exactly forty-one minutes too fast by his watch. His watch went by Birmingham time, by the church clocks. He saw the clothes on the body of the deceased; they were a red spencer, a coloured gown, and black worsted stockings. He observed much blood on the seat of the gown; it was in a very dirty state; there was blood also on other parts of the gown. The clothes he spoke of were those on the body when it was taken out of the pit.

Fanny Lavell, the wife of William Lavell, said the body of Mary Ashford was brought to her house on May 27. She undressed the body; part of the clothing she tore off and part she untied. She found her clothes in a very bad state. The gown was stained very much behind, and was very dirty; the chemise had a rent up one side the length of her hand, but she did not observe any blood on the stockings.

Thomas Dale corroborated the last witness as to the garments being blood-stained and dirty.

Mary Smith said she examined the body of Mary Ashford on the morning of May 27, about 10.30 o'clock. This witness gave evidence of a very peculiar nature, and we are compelled to omit the details and confine ourselves to merely saying that her testimony strongly confirmed the alleged brutal violation of the person of the deceased. On each arm, just above the elbows, there was a blue mark, which appeared to have been made by the grasp of fingers.



HE KNEW HER AND CRACKED HIS WHIP.

Thomas Dale, assistant constable, took the prisoner into custody. He searched his clothes, and examined his small-clothes and shirt; they were very much soiled. He asked the prisoner how his clothes came in that state, and he said he had been concerned with the girl, by her own consent, but he knew nothing about the murder. He was not sure whether the prisoner told him that he had been with the deceased before the magistrates came, but he was quite sure that he said so when he was being searched upstairs. Mr. Sadler and William Benson were present, and heard him make the confession.

William Benson confirmed the evidence of the last witness respecting the examination of the prisoner's small clothes and finding them stained.

John Cook, a farmer, living at Erdington, said he was at the dance at Tyburn House on the night of May 26, and saw prisoner there. Mary Ashford was also there. He saw her come into the room, and when she came in prisoner

asked Mr. Cottrell who she was. Cottrell replied that she was "old Ashford's daughter." On Cottrell saying this, Cook heard the prisoner say, "I know a sister of hers, and have been intimate with her, and I will with her, or I'll die by it." He was quite sure he heard the prisoner say these words. They were not spoken to witness, but to Cottrell.

Daniel Clarke deposed that he was the landlord of Tyburn House where the dance was held on May 26. In consequence of what had happened to the deceased, he went to Castle Bromwich in search of the prisoner, and met him there in the turnpike road on a pony. He asked Thornton what had become of the young woman that went away with him from Tyburn House the previous night, but the prisoner made no reply. Clarke then said, "She is murdered, and thrown into a pit." To that he replied, "Murdered?" Witness said, "Yes, murdered." The prisoner then said, "I was with her till four o'clock this morning." Clarke said, "You must go along with me and clear yourself," to which Thornton answered, "I can soon do that." They then rode on towards Tyburn House, which is about a mile from Castle Bromwich, but no further conversation about the murder took place between them. When they got to Tyburn House, Thornton put his pony into the stable, and said he would walk over the fields by the footway to Sutton. He went into the house, had something to eat and drink, but did not say anything more about going to Sutton. He stayed at Clarke's house till the constable came and took him into custody.

George Freer, a surgeon, residing at Birmingham, was the last witness called by the prosecution. He remembered being sent for to attend the coroner's inquest at Penn's Mills on May 27. Another medical gentleman, Mr. Horton, surgeon, of Sutton Coldfield, was there at the time. Dr. Freer arrived about half-past seven in the evening, and just took a cursory view of the body then. It was placed in a very small, dark room, and he ordered it to be removed into another room, which was larger, and more convenient for the examination. While they were removing the body, he went to examine the pond where it was found, and observed a quantity of blood lying in various places near to the pond. When he returned, the body had been removed to another room, and had been undressed, and the blood had been washed from the upper surface of it. As it was nearly dark, he deferred the opening of the body till another day. On Thursday morning, May 29, he proceeded to open the body and examine it more minutely. The deceased was a strong, well-made girl, about 5 feet 4 inches in height.

Here the case for the prosecution closed, and the learned judge addressed the prisoner, informing him that the period had now arrived for him to make his defence, and that the court and jury would listen with attention to anything he had to say. His counsel had done all they could do for him in the cross-examination of the witnesses for the prosecution; they could not address the jury in his behalf. The prisoner declined to say anything in his defence, stating that he would leave everything to his counsel, who accordingly proceeded to call witnesses for the defence.

It will be remembered that the first witness for the prosecution, Hannah Cox, asserted that the deceased came to her mother's house on Tuesday morning, May 27, at twenty minutes to five by her (witness) mother's clock, and that by the other clocks in the neighbourhood this clock was fast. Joseph Webster, another witness for the prosecution, set his watch with Mr. Compton's, and went the same morning to Mrs. Butler's, Hannah Cox's mother, to examine the clock, which he found was forty-one minutes faster than his watch. This would make the time that Mary Ashford called on the Tuesday morning as near four o'clock as possible. She changed her clothes and stayed with Hannah Cox about a quarter of an hour. The defence relied on this evidence, and from it proved an alibi.

Eleven witnesses were called for the defence. The first, William Jennings, said he saw the prisoner, Abraham Thornton, about half-past four in the morning of the 27th of May, walking down a lane leading from Erdington, and this was corroborated by the wife of this witness, Martha Jennings.

Jane Heaton, a servant in the employ of Mr. John Holden, saw Thornton at seventeen minutes to five walking along the road leading from Erdington to Castle Bromwich. John Holden, jun., also saw the prisoner on the morning of the 27th May, about the time that Jane Heaton saw him. William Twanley examined Mr. Holden's clock, and found it agreed with his watch, which was just right with the clock in St. Martin's Church, Birmingham.

John Haydon, a gamekeeper, of Castle Bromwich, saw prisoner between Erdington and Castle Bromwich at five minutes past five, and talked with him for ten minutes or a quarter of an hour.

John Woodcock saw prisoner and the last witness talking together at ten minutes past five.

James White saw Thornton at twenty minutes past five

"You must go with me and clear yourself."

about half a mile from the place where he had stopped to converse with the gamekeeper Haydon.

William Coleman, the grandfather of the deceased, said that she did not sleep at his house on the night of the 26th of May, so that it was never known what she had been doing or where she had been from the time she and Thornton left Hannah Cox, about one o'clock, till she called at the house of Mrs. Butler at four o'clock.

After the defence was concluded, Mr. Justice Holroyd, taking a plan of the fields and neighbourhood in his hand, proceeded in the most solemn manner to deliver his charge to the jury, commenting on the evidence of the respective witnesses in the most perspicuous manner, and continually referring the jury in his comments on the evidence to the plan, pointing out to them different roads and situations as they were incidentally alluded to by the witnesses. His lordship concluded his elaborate address with the following impressive sentences:

"This," said he, "is one of those mysterious transactions in which justice cannot be done but by comparing, most carefully, all the facts and circumstances of the case—all the circumstances for, as well as those against, the accused.

"Before they could convict the prisoner they must be fully satisfied that he was guilty of the murder. If any

fair and reasonable doubt arose in their minds as to his guilt the prisoner was entitled to the benefit of those doubts. But, if they were convinced that the evidence was satisfactory, and that the crime was fully proved against the prisoner, they were, in justice, bound to pronounce him guilty. Yet, in coming to this conclusion, it was their duty well to consider whether it was possible for the pursuit to have taken place, and all the circumstances connected with it, and for the prisoner to have reached Holden's house, a distance of nearly three miles and a-half, in the very short space of time, which, if the statements of all the witnesses were correct, would have been allowed him."

Finally, his lordship observed to the jury, "that the whole of the evidence lay before them, and by that evidence only they were to be guided in their decision. It were better that the murderer, with all the weight of his crime upon his head, should escape punishment, than that another person should suffer death without being guilty."

The learned judge having concluded his charge, the jury consulted for a few minutes, and then, to the utter astonishment of all who had taken an interest in this awful case, pronounced a verdict of "Not Guilty," which the prisoner received with a smile of silent approbation and an unsuccessful attempt at concealment of the violent apprehensions as to his fate by which he had been inwardly agitated.

Thornton was then arraigned, pro forma, for the rape; but the counsel for the prosecution declined offering evidence on this indictment, and he was accordingly discharged.

The court was crowded to excess, the trial occupied upwards of twelve hours and a-half; the examination of witnesses on the part of the Crown engaged nearly eight hours and a-half, the defence took up about two hours, and his lordship's charge to the jury about two hours more.

Thus ended, for the time being, the proceedings on this most brutal and ferocious violation and murder, but the public at large, and more particularly the inhabitants of the neighbourhood in which it had been committed, were far from concurring in the verdict of acquittal; and just, deep, and reverential as is the natural feeling entertained by every Englishman for the solemn verdict of a jury of his countrymen, the present decision was canvassed with a freedom hitherto unknown, and the Press in every part of the kingdom teemed with strictures on the whole proceeding, which did not fail to excite the most active inquiries as to every particular connected with the mysterious event.

The first fact discovered on this investigation was that Dale, the police officer, had withheld from examination during the trial, the breeches and linen of Thornton, which were in his possession, and which bore marks strongly corroborative of his guilt; and Hannah Cox was accused of knowingly stating the time incorrectly, with a view of favouring Thornton; but the most important circumstance was the irreconcilability of the time as spoken to by the respective witnesses, founded on their opinion as to the real time, and on references to crazy village clocks, not one of which was proved to be correct, or any of them in unison, but the whole of which were, like most country clocks, remarkable chiefly for their variation from true time and from each other.

On the flimsy ground of data furnished by these discordant statements of time was the alibi founded which procured the acquittal of Thornton; but so strong was the moral conviction of his guilt upon the public mind that measurements of the ground were taken afresh, subscriptions to defray the expense of a new prosecution were entered into, and the evidence laid before the Secretary of State, who, upon investigation of the whole affair, granted his warrant to the sheriff of Warwick to take Thornton into custody on an appeal of murder, to be prosecuted by William Ashford, the brother and heir-at-law of the deceased.

An appeal of murder is a very ancient and now obsolete law, by which the nearest relative and heir-at-law of a person murdered may demand a second trial of the party accused of the murder, in cases where, from a deficiency of evidence or other cause, the prisoner may have been acquitted on the first trial, provided strong and reasonable ground of suspicion against the party accused still remains.

The person so appealed of murder may, however, on his part, if so advised, claim the right of TRIAL BY WAGER OF BATTLE, which the appellant is bound by law to grant him in his own person.

Thornton was accordingly again arrested and lodged in Warwick Gaol, until removed to London by habeas corpus, the proceedings on the writ of appeal being held in the Court of King's Bench, in Westminster Hall.

On Thursday, November 6, 1817, William Ashford, attended by four counsel—Messrs. Clarke, Gurney, Chitty, and Richardson—appeared in court, when the counsel for Thornton stated that they had not had sufficient time to prepare for going into a case of such importance and novelty.

The proceedings were accordingly adjourned to November 17, on which day the prisoner, who had in the meantime been in the custody of the Master of the Marshalsea, again appeared.

Thornton, whom I have previously described as a strong, athletic man, of extraordinary muscular power, had determined on availing himself of the barbarous privilege extended to him by the antiquated and absurd law under which he stood appealed, and demanded TRIAL BY WAGER OF BATTLE, conscious of the decided advantage which his great personal strength would give him over the dwarfish and delicate form of the appellant, Ashford. Accordingly, when, in the proceedings of this day, he was asked, in the form of the court, "Prisoner, are you guilty or not guilty of the said felony and murder whereof you stand so appealed?" Mr. Reader, one of his counsel, put into Thornton's hand a slip of paper, from which he read, "Not guilty; and I am ready to defend the same with my body."

Mr. Reader also handed him a pair of large gloves or gauntlets, one of which he put on, and the other, in pursuance of the old form, he threw down for the appellant to take up. It was not taken up, and Mr. Reader moved that it should be kept in the custody of the officer of the court.

Clerk of the Crown Office: "Prisoner, your plea is that you are not guilty, and that you are ready to defend the said plea with your body?"

Prisoner: "It is."

Lord Ellenborough: "Is the appellant in court?"

Mr. Clarke: "He is, my lord."

Lord Ellenborough: "Call him by name."

The Usher then called: "William Ashford, come into court." The appellant stood up in front of Mr. Clarke.

Lord Ellenborough: "What have you got to say, Mr. Clarke?"

Mr. Clarke: "My lord, I did not expect at this time of day that this sort of demand would have been made. I am surprised that the charge against the prisoner should be put to issue in this way. The Trial by Battle is an obsolete practice, which has long since been out of use; and it would appear to me extraordinary indeed if the person who has murdered the sister should, as the law exists in these enlightened times, be allowed to prove his innocence by murdering the brother also, or, at least, by an attempt to do so."

Lord Ellenborough: "It is the law of England, Mr. Clarke; we must not call it murder."

Mr. Clarke: "I may have used too strong an expression, my lord, in saying murdering the brother; but at all events it is no less than killing."

A discussion then arose as to the authority for refusing the right of the appellee to the Trial by Wager of Battle, and the further hearing of the case was postponed to the 22nd of November, in order to enable the appellant to put in a counter-plea. There were repeated arguments of counsel on both sides, which were adjourned from time to time till the 16th of April, 1818, when the judges delivered their opinions *seriatim*, the substance of which was that sitting there to adminster the law, not as they wished

it to be, but as they found it, they considered the defendant entitled to claim Trial by Wager of Battle, and the decision of the court was, "That there be Trial by Battle unless the appellant show reason why the defendant should not depart without day."

On Monday, April 20, 1818, the matter was finally disposed of, Thornton being arraigned, as a matter of form, at "the suit of the Crown." He was arraigned as follows: "Prisoner at the bar, Abraham Thornton, hold up your hand. You, the prisoner at the bar, stand appealed by the name and description of Abraham Thornton, late of Castle Bromwich, in the county of Warwick, labourer, for that you, not having the fear of God before your eyes, but being moved and instigated by the devil, did, on the 27th of May, in the 57th year of the reign of his Majesty, in the parish of Sutton Coldfield, in the county of Warwick, in and upon the body of Mary Ashford, make an assault, and her, the said Mary Ashford, throw into a certain pit of water, wherein she was suffocated and drowned. How say you, are you guilty of the felony and murder charged on you by the said appeal, or not guilty?"

Appellee: "Not guilty."

Mr. Reader then put in a copy of the record of the trial and acquittal of his client on this charge, before Mr. Justice Holroyd, at Warwick, on the 8th of August last, and upon that record the learned counsel prayed their lordships' judgment that the defendant might be discharged.

Lord Ellenborough: "Then the judgment of the court is that the defendant be discharged from this appeal, and that he be allowed to go forth without bail."

Thus did the rigid application of the letter of the law a second time snatch this guilty wretch from the punishment which, even on his own admission of guilt, he had so fully incurred.

A wretched outcast, shunned and dreaded by all who knew him, and even his very name an object of dread and terror in the neighbourhood of his family, he, a few months after his liberation, attempted to proceed to America, but the sailors of the vessel in which he was about to take his passage refused to proceed to sea with such a character on board. Disguising himself, he succeeded in a subsequent attempt in procuring a passage, and thus relieved this country from as large a load of moral crime as ever disgraced and oppressed it in the form of a human being.

He died in Baltimore, in the United States, in 1860, and it was stated at the time that he made a full confession of the crime on his deathbed. But no official version of this ever reached the authorities in England, and we simply print the statement here so that our story of the crime shall be complete.

Mary Ashford now sleeps peacefully in the pretty churchyard at Sutton Coldfield, and the writer has frequently visited her resting-place, and read the epitaph on the gravestone placed thereon by the Rev. Luke Booker, who, shortly after the final acquittal of Thornton, wrote a masterly pamphlet, entitled, "A moral review of the conduct and case of Mary Ashford," and in which the whole proceeding was discussed and illustrated, both in a legal and moral point of view, in a style and manner which did equal honour to the head and heart of the reverend author.

THE GRAVE OF MARY ASHFORD AT SUTTON COLDFIELD.

The epitaph on Mary Ashford's gravestone may yet be seen and read. It is as follows:

"As a warning to female virtue, and an humble monument to female chastity, this stone marks the grave of Mary Ashford, who, in the 20th year of her age, having incautiously repaired to a scene of amusement, without proper protection, was brutally violated and murdered on the 27th May, 1817.

Lovely and chaste as is the primrose pale,
Rifled of her virgin sweetness by the gale,
Mary, the wretch who thee remorseless slew,
Avenging wrath, which sleeps not, will pursue;
For though the deeds of blood be veil'd in night,
Will not the Judge of all the Earth do right?
Fair, blighted flower, the muse that weeps thy doom
Rears o'er this murder'd form this warning tomb!"

Murder of his Beautiful Daughter

BY

John Prankard.

THE BATH TRAGEDY.

SUICIDE AS A SEQUEL.

"In that great cloister's stillness and seclusion,
By guardian angels led,
Safe from temptation, safe from sin's pollution,
She lives, whom we call dead."
—LONGFELLOW. "Resignation."

"NOW you must die! Choose between three deaths. I will either upset this boat, or you shall be shot, or take poison. You must die, I tell you!"

The speaker was a middle-aged, gentlemanly man, who sat aft, steering a boat, in which two beautiful girls, his daughters, were rowing. They were about a mile off the coast at one of the fashionable watering-places of France, and the young ladies' names were Minnie and Kate Prankard, daughters of Mr. John Prankard, of Bath, who resided at No. 1, Spencer's Bellevue, in that city, at which he kept a collegiate school for junior boys. The father and his two daughters were on their holidays, and were taking a row upon the sea one lovely afternoon in the early summer of 1870, when the man suddenly, and without any apparent reason, made this startling statement.

That he was in earnest was evident to his poor, frightened girls, for, taking from his pocket a huge flask, containing a brownish liquid, he placed it upon the seat of the boat, and then produced from his pocket a loaded revolver.

"Oh! father, father!" exclaimed Minnie, the elder, "for heaven's sake, for our dear dead mother's sake, put that pistol down. Oh! father, father! dear father, spare us!" And, shipping the oar, Minnie threw herself at her father's feet and implored him as she embraced his knees to desist.

"No; I tell you you must die! Either you drink this, or I shoot you both!" And he poured out at least half a gill of the liquid, which was laudanum, and, with the pistol levelled at her, made her drink. The poor, terrified girl, not knowing what she did, gulped it down and rolled to the bottom of the boat. Her sister Kate, helpless and frightened to a state of almost fainting, then had a dose handed to her, which she swallowed and swooned. The father then drank the remainder, and the boat drifted away down the coast. Fortunately, however, the wind sprang up, and the tide rolled in with rather a heavy swell. This undoubtedly saved their lives. To begin with, John Prankard had administered to each an over-dose, and the waves causing the boat to rock exceedingly did the rest. All the occupants became violently sick, and the poison consequently failed to act.

On coming to an hour or so after this startling act, the man seemed to have recovered his senses, for it was certainly a passing fit of insanity, and he seemed dumbfounded at what he had attempted. The poor girls agreed that the whole matter should be hushed up, and they made their way to the shore, the tide fortunately setting in that direction. Nobody in the place knew how near to the spot where the gay crowds were assembled on the promenade and beach a dreadful tragedy had providentially been averted.

The above reads like the first chapter out of some rubbishy novelette, we admit, but, nevertheless, it is perfectly true, and the whole details came out afterwards how John Prankard had attempted murder and suicide. It proved, however, to be a rehearsal for the tragedy which, later on, was to be enacted successfully and cause one of the greatest sensations that has ever seized upon the good city of Bath, as we shall now relate.

Better had the poor girls have charged their father with his attempt upon their lives, so that he might have been then and there placed under restraint. But he seemed so much better upon their return home (which followed immediately after the painful occurrence just described) that they determined to keep their own counsel, telling nobody about the affair but a near relative, who advised them to make arrangements at the earliest possible date, for their own safety, to leave their father's roof.

And now it will be as well to trace the antecedents of this family, with all its romantic incidents, for, if we had space to enter into the whole history, it would be admitted that there was ample material for a three-volume novel, and the facts would need but a very slight dash of fiction to make it a startling and sensational story. But our duty is only to record facts connected with this unfortunate branch of the family.

It appears that John Prankard was an illegitimate child, being the son of Mr. John Prankard's grandfather, the first-named being a well-known surgeon of Langport. Notwithstanding this circumstance, he was admitted into the family, and ranked with this gentleman's father as his brother, taking his share of the property when the grandfather died.

He had married, and the issue was four daughters, Kate and Minnie, and two younger girls, one an imbecile. Some short period prior to the extraordinary affair in the boat the mother had died, and this would appear to have affected the widower's mind, which undoubtedly inclined to mental disease, as indicated by the imbecility of his child and his strange conduct on several occasions. Still, it seemed not to be sufficiently affected to place him under restraint, and he carried on his college very successfully.

It may be easily imagined that, after the girls had returned from France and had been advised to leave home, they were very anxious to act upon that advice, for they went to bed nightly in fear and trembling. So, being accomplished girls, they soon managed to obtain situations as governesses, or something of a similar capacity, in a family at the time located in Holland.

This arrangement seems to have been very much opposed to their father's wishes. But they had made up their minds to go, and go they would. The day was fixed for their departure, and, it again being holiday-time between the terms, and all the scholars absent, they used the school-room for the purpose of packing their boxes.

The girls are quite light-hearted, for what delights a woman more than arranging her finery and articles of costume, especially when it is preparatory to a trip to scenes which are new to her; besides, there is always something exhilarating to the mind in the mere fact of setting out on a long journey. In this instance the anticipatory pleasure is more particularly agreeable, for are they not to be released from that feeling of dread which has for so many months shadowed their young lives? So Minnie and Kate are very cheerful, laughing and joking as they overhaul their attire and place it neatly in their trunks.

Presently the door is quickly opened, and their father stands upon the threshold. He has a frown upon his brow and looks exceedingly pale, whilst there is a strange expression in his eyes.

"So you have made up your minds to leave me, eh? Now, I suppose you want some money. Of course, you do, you selfish wretches! I—I, your father—will have to find the money for you both to go away—to desert your parent and your home. What? You have enough money for your purpose! Very well, if you don't want money you can go. Go to your friend, John Prankard, where you stayed last summer!" And the angry man stepped into the room and slammed the door behind him.

"Oh, father dear, don't be so cruel! You know we are going away for the best. It will not be for long. We are coming back. Besides, you can visit us after next term." And Minnie went towards her father and leant her beautiful face upon his shoulder, as the tears ran down her cheeks.

With a fierce ejaculation, he pushed her away from him, and then, drawing a revolver from his pocket, he fired point-blank at his daughter twice. Both shots took effect in the

head, and the poor girl fell heavily to the floor, with one bullet in the ear and the other through the temple. The thing was done so quickly, the weapon being covered with his pocket-handkerchief, that the other daughter had scarcely realised what had happened when he turned the pistol towards her and fired two other shots in quick succession, both taking effect, and she, with a piercing shriek, fell down, bleeding profusely.

Kneeling down and examining the prostrate forms of his daughters, he muttered, "Dead! dead! thank God, dead!" Then quickly opening the door, and turning the key upon the outside, he sprang up the stairs to his own bedroom, and shut himself in, fastening that door also. Then taking a wine-glass which contained prussic acid, he drank it, and instantly fell upon the floor a corpse.

But to return to the school-room. Shortly after being left, the youngest daughter recovered consciousness, and, gathering up her strength as well as she could, hastened to the window, which overlooked the garden, and by means of the roof of some outhouses, succeeded in getting from the parlour floor into the grounds, thence into the adjoining

father, and had great affection for the two girls, before Mr. English, the coroner.

Ellen Davis, a domestic servant, was the principal witness, who stated that she had lived with the family for some time. It included four daughters, Minnie (deceased), twenty-two; Kate, nineteen; and two younger girls, one being an imbecile, and at the time of the outrage with her in the kitchen, and the other having been taken away by her father some time before—nobody knew where.

Witness was in the basement, and heard a scuffling upstairs and her master shouting violently. She heard him exclaim, "Now, what do you think of this?" And a moment or two afterwards she heard reports, four in number, scarcely a moment elapsing between each. She ran upstairs in alarm into the passage leading to the flower-garden, and saw Miss Kate, the second daughter, who had evidently leapt in her terror through the window, close to the garden wall, bleeding profusely. Kate said, "Go to Minnie—quick! quick!" And, on the servant proceeding to the school-room door, she asked if she might come in, but received no answer, and only heard groans. She ran down-

FIRED TWO SHOTS IN QUICK SUCCESSION.

house, which was occupied by the Rev. J. H. Wray, minister of Christ Church, Montpelier.

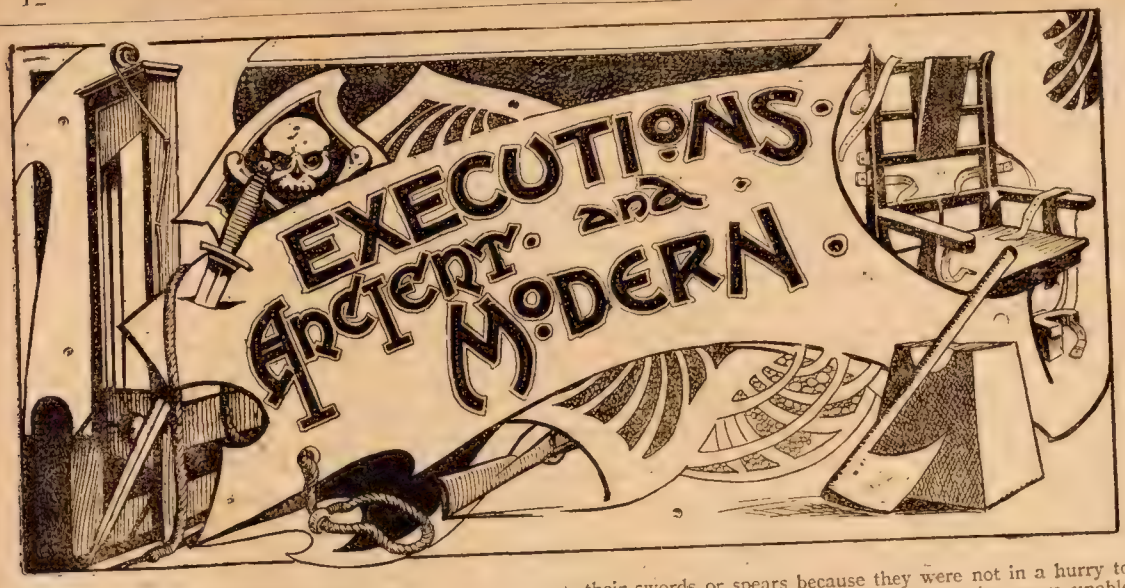
One account tells us that "the poor girl left sad traces of the way by which she escaped, the window-frame, window-sill, and the roof of the outhouses being covered with blood. The room in which the tragic scene occurred presented a fearful spectacle, the long school desk on which the younger girl had fallen literally swimming in blood. On reaching the next house she was instantly attended to, and medical assistance promptly obtained; but she was so exhausted by loss of blood as to be unable to give any lengthened account of the transaction. The house where the tragedy occurred was at once taken possession of by the police, who were, however, unable for a long time to find the revolver with which the murderous work had been done. On the body of the father was found over five pounds in cash, but he left no statement as to the cause of his rash act."

The eldest daughter Minnie, twenty-two years of age, had expired immediately, both shots having struck in vital places. The inquest upon the two bodies took place at the Weymouth Arms, and was crowded by people who knew the

stairs to get her cloak, and as she came up from the kitchen she saw her master, who gazed at her, rushing upstairs. She ran to the next door, the Rev. Mr. Wray's, and gave an alarm, but Kate had crawled over the wall into his garden, and a doctor had been sent for.

Witness afterwards ventured into the house, and saw the body of her young mistress lying in a pool of blood in the school-room, and that of her master lying on the bed in his own room. Ellen Davis, in answer to questions, stated also that Mr. Prankard had frequently quarrelled with the deceased daughter, striking her and pulling down her hair, and once breaking a water-vessel over her head.

Medical evidence was given as to the cause of death, and the jury in the case of the death of the deceased girl returned a verdict of "Wilful murder by John Prankard," and as to the death of the perpetrator of the crime they returned one of "felo-de-se," and the coroner thereupon issued his warrant for the interment of the male deceased, without funeral rites, after nightfall of the 24th of August, 1870, which date will in the fair western city, at least, serve to recall the horrors of what was at the time known as "The Bath Tragedy."



CHAPTER III.

ACCOUNT OF CRUCIFIXION AND JAPANESE TORMENTS.

IN our last chapter we described the punishment meted out to those who had offended the religious ordinances of Rome, as well as the torments suffered by those selected to face death in the arena, in place of any of the simpler forms of execution. It must not be imagined, however, that the Romans utilised all their criminals by forcing them to take part in the displays given at the Colosseum, or threw everyone who had incurred the ban of the law to the wild beasts. No; for ordinary persons the capital penalty was inflicted with the axe, which weapon, as we have seen, was carried in front of every one of the superior magistrates as a symbol that the jurist held the power of life or death.

We have also indicated the fact that the Roman thought that there was no one on earth his equal, and this leads us to the forms of punishment which we are going to treat of in this article. The Roman, however bad he was, was always thought to be the superior of every other man, and, therefore, it was necessary that even in his ignominious death at the hands of the executioner some distinction should be made between him and the bond slave. This led the Romans to enact a law by which the usual punishment meted out to slaves and others of no account was decreed to be crucifixion. Yes; it is to cultured Rome that we again go to find the origin of this most cruel form of death. The slave whose offence was greater than merely seeking his freedom was liable to be taken outside the city wall and there hung on a cross till death came to relieve his sufferings.

The customary method of inflicting the punishment of crucifixion was by attaching the culprit to the cross with ropes, and the victim perished of exhaustion. This punishment, in its crudest form, was introduced by the Romans into almost every country that they conquered, and hence we find the Jews cognisant of it, though it was hateful to their own Mosaic law. As time went on, additions were made to the statutory method of execution, so that it became possible to vary the penalty according to the enormity of the offence for which it was inflicted. Thus we find certain criminals having their hands and feet pierced with nails, others denied even the support which the tiny foot-rest usually supplied afforded, and others, again, crucified head downwards.

It was customary in Roman provinces (for the punishment was not popular in Rome itself) for the governor to wait till he had a batch of criminals to be crucified, and then to make a sort of feast-day of the event, so that terror might be struck into the lower classes, and at the same time the power of Rome might be manifested. On these occasions the wretched convicts were compelled to carry their own crosses to the place of execution, simply because it was derogatory to the dignity of a true Roman so much as to touch the instrument set apart for the execution of the baser herds.

Along the sun-parched roads the procession wended, the gaolers occasionally pricking the unwilling victims with their swords or spears because they were not in a hurry to reach the place of execution, or because they were unable to go faster owing to the weight of the crosses with which they were burdened.

Arrived at the place of execution, the convicts are made to lay their crosses down near to the spots where they are to be erected. Then the centurion in charge of the execution party reads the sentence. As he does so we note that the despair depicted on the faces of some of the criminals grows even deeper, for they have heard that they are to be punished with more rigour than their fellows. As we watch we see that the first convict is already being stripped, preparatory to being affixed to the cross, for slaves were crucified naked, to add to their disgrace, it being thought necessary to mark the difference between a free man and a slave even by this indignity.

When he is stripped, one of the soldiers, who have to act as executioners, gives him a draught supposed to be composed of soothing drugs, which will lessen the intensity of the death-agony, then the wretched convict is lashed to the cross, his two arms being passed over the cross-bar which runs behind his shoulders. Once secured, the cross and its burden is lifted up and dropped with a jerk into a hole which has been prepared for it. Of active torment there is very little at first, save for the rough wood of the cross chafing the skin of the criminal, who has but recently been flogged, the Roman thinking it necessary to precede execution by the lash in most cases. As the sun pours down on the unprotected head, however, the torture begins. The sufferer's thirst is intense, and the unnatural strain on the muscles of the arm causes acute pain. The joints seem racked, and gradually the weight of the suspended body does its work, and the arms are dislocated at the shoulder. The agony may now be said to have fairly commenced. The perspiration pours off the victim's face, and at once the flies, those pests of the execution ground in all hot climates, settle on the quivering skin, driving the sufferer almost frantic. The heat and the pain seem to scald the eyeballs, which protrude from their sockets, and in a short while the unhappy slave has reached almost the limit of human endurance. I say almost advisably, for in that lies the chief terror of crucifixion. The suffering never reached that pitch when death brought relief; instead, the victim hung for hours, sometimes for days, while a sense of relief very, very slowly stole over his frame. He longed for it to come faster, for he knew it was the welcome hand of death that was soothing his tortured body, but he was powerless to assist it, and his mind was tormented with the fear of death, alternating with a longing for it. But we are progressing too fast.

Several other slaves have been attached to their crosses in the same manner as the first, and then we hear piercing screams coming from one group, where the executioners are now at work. We stroll up to see what is the matter, and find that they are engaged in nailing the victim to the cross, for he has been ordered to suffer death that way. As the heavy mallet comes down on the nail the whole body of the slave quivers with anguish. Occasionally the executioner misses his mark, and the ponderous hammer smites the

tender flesh, bruising the skin and even breaking it, but little the fierce soldier cares for that; he has to do what he is paid for, and, if he does torture a slave unnecessarily, what does it matter? He is only a slave!

The malefactor once nailed to his rough cross, the instrument is placed in its hole, the shock intensifying the agony. The people who have come out to witness the slaughter gather round, for it is not often that a criminal is nailed to the tree, and it would be a pity to miss the sight. But soon they tire of the unusual spectacle, and go to watch the proceeding at the next cross, where the executioners have just finished their task of attaching the wretched slave, and are about to erect the dreadful instrument with its living burden. Only then does the culprit realise what is in store for him. He is to be crucified head downwards, and as the truth breaks upon his dull mind he commences to utter piercing shrieks, for he dreads that punishment, believing that it is the most painful form of death. Ordinary crucifixion he does not fear so much, for he has looked forward to it from his childhood, but to be crucified upside down! Did he but know it, his sufferings will be less than those of his fellows who have been awarded the death which is supposed to be the more merciful, for the rush of blood to the head will speedily render him unconscious, and thus terminate his anguish.

The last on the list is attached to a cross, shaped like the letter "X," a pattern known to the Romans as "decussata," and rarely made use of save to give variety to a general execution. Ropes again are used to fasten the victim, and then the implement is set up on two of its ends and the whole row of crosses is complete.

Gradually the crowd gets tired of watching the convicts who are dying by slow degrees, and one by one the spectators depart, to return to their homes and continue their ordinary avocations. The scene outside the city has interested them temporarily, but it is easily dismissed from the mind. On the execution ground, however, the guards loll about, gambling, chatting, and striving to pass away the time, occasionally uttering curses at the suspended figures because they take so long to die.

BUTCHERED TO MAKE A ROMAN HOLIDAY.

And on the crosses?

Their bodies almost livid from the restriction of the circulation, begrimed with the dust from the ground, smeared with perspiration, which has dried on them, with staring eyeballs, and parched throats, the victims hang, longing for the sun to go down that their agony might be lessened. Time goes by, and one by one they lapse into insensibility, all save the unfortunate wretch who was hung head downwards, for he has long been dead. Night falls, and the guard is changed, the fresh soldiers occasionally stirring up the doomed slaves, just to see how many have died. The hours

of darkness drag on and the sun rises, when it is found that still one is alive. Not wishing to keep the soldiery there longer, the officer gives the word to put the poor slave out of his misery. This one of the brutal soldiers does, by banging on the poor creature's chest with a mallet till he has stilled the heart for ever. Then the execution is formally over. Sometimes instructions were given to kill the condemned at nightfall, to prevent the guards having to spend the night on the wach, and the quietus was usually given either by breaking in the breastbone, as above, or by smashing the convicts' legs. Occasionally, however, a sword or spear was used, especially if the condemned seemed to be fairly vigorous, and not likely to succumb to the extra agony occasioned by the fractures.

With the fall of the Roman Empire crucifixion as a common means of inflicting death vanished from the Western world, but it was in force not so very long ago in the Far East, and notably in Japan, where many Europeans suffered death in that frightful manner.

Crucifixion as practised in Japan was truly an awful form of execution. Let us watch one in fancy, and see how the immediate forefathers of the men who to-day are regarded as one of the most civilised people on earth used to punish those whom they adudged to be worthy of death.

First, we must get used to the strangeness of the Oriental crowd. Colour is everywhere, for, unlike the sober Westerner, the Jap likes to vary his garments and introduce bright colour into them. Keeping the mob in order are Japanese soldiers, wearing the strange armour which may be seen in any good museum, for it is now a thing of the past. The huge two-handled swords, the cruel pikes, and the hundred and one other weapons which seem to be devised only to show what fantastic shapes man can work metal into, have a fascination for the European. Presently there is a cry, and the sound of the beating of drums. The mob is strangely agitated, but the soldiers quiet them, hacking at some with their swords or jabbing others with their spears. The Oriental does not mind being treated thus. He regards it as part of the soldier's duty, that is all. Then the crowd parts, and a motley sort of procession is seen approaching. It consists of the prisoners under escort. To give solemnity to the proceedings drums and other weird instruments of percussion precede the culprits, while a magistrate rides beside the cortège on a tiny pony.

Arrived on the market-place—for that is to be the scene of the execution—the magistrate directs that three crosses shall be erected facing the east. Willing hands help dig the holes, while other volunteers fetch the instruments and place them in readiness. The pits being dug, the three crosses are stood in them and their bases firmly wedged in with stones, so that the whole erection is perfectly rigid. That done, the culprits are brought forward. The first is a young foreigner, probably a Belgian. His crime has been that he has attempted to lead the people away from their belief in devils and evil spirits, and to preach to them some new form of religion. As a consequence, the devils and evil spirits are enraged, and the Japanese think that they can be appeased only by the execution of the alien teacher.

The victim's hands are tied behind his back; his clothes are torn, his face ghastly white, but withal he looks resolute and not in the least afraid of the brutal death which he knows is to be his fate.

He is speedily unbound; his garments, strange and heathenish in the eyes of the Japs, are torn from off him, disclosing a body emaciated to a degree, for he has long been in captivity, and he is asked if he would like some tea to drink. He refuses, and is then lifted up to the cross. His arms are outstretched, and are bound along the transverse beam with ropes made of vegetable fibre. Then his legs are tied to the upright. That done, the cords are wetted, and he is left while his fellow-sufferers are similarly treated. Apparently they have witnessed many an execution, for when asked if they have anything to say they promptly ask to be allowed to speak to the chief executioner, and after a whispered confab with that functionary announce that they are ready. They are then bound to heir crosses, and one is heard asking the executioner if he quite understands, to which the reply is that "It is all right."

All three being fastened to their gibbets, the crowd watches them with interest, for the most entertaining part of the execution has yet to come.

Gradually, under the influence of the sun's rays, the vegetable cords tighten, cutting into the flesh of the arms and legs, and causing intense agony. Perspiration streams down the face of the white man, but his fellows do not seem to have suffered as he does. The reason for this is plain. They have bribed the executioner, and he has allowed for the tightening of the bands when he fastened them on to their crosses. They feel the strain on their limbs from the unnatural position, but they are spared the excruciating pangs of the constricting ropes.

This form of torture having gone on for a short time, the magistrate signals to the executioner-in-chief to get on with the ceremony. Then the mob presses round to see the dexterity of their idol of the moment, for the executioner used to be quite a popular favourite in the Isles of the Mikado, even as lately as the middle of the last century.

At the word from the magistrate the executioner steps into the open space before the crosses, followed by an assistant bearing a bundle of long, thin spears. He halts before the last cross erected, and selects from the sheaf a spear, which he brandishes and poises before the eyes of the hanging culprit. "Remember," whispers the poor convict, and the executioner nods to show that he has not forgotten that gold passed some little time ago between them. Still brandishing

The anguish is intense.

the lance, he advances to the cross. The people are silent, and strain their eyes not to miss a single detail.

With a shout of triumph the executioner drives the lance into the left side of the victim, forcing it upwards so that the point emerges above the right shoulder, and transfixing the heart. The culprit dies without a groan. The spear is left sticking through the body.

"He has been bribed," murmurs the crowd, looking angrily at the chief performer.

"Yes, but not by all," replies some comforter in the throng, and the bloodthirsty little Japs feel more satisfied, hoping to witness some dexterity before they leave. The second of the two Japanese convicts is also slain at one thrust by the executioner, and then that horrid official advances towards the European. He brandishes his weapon, this time a specially slim one, and strives to prolong the agony of anticipation in his victim. Then, with a rapid thrust he transfixes the breast of the teacher. To all appearances he has served him exactly as the other two, but in reality he has avoided piercing the heart, and his victim lives and suffers.

At another signal from the magistrate the executioner again commences his round, and transfixes the corpses of the two Japs with spears a second time, but passes the weapons from the right side to the left shoulder, so that the lances form a St. Andrew's cross through the bodies. When he reaches the European, he varies his proceedings a little, and instead of driving his spear through him with lightning rapidity, he slowly forces it into the trembling flesh, occasionally halting as if to rest. No vital spot is touched, and the anguish of the tortured man is intense. Foam, flecked with blood, gathers at his mouth, showing that the lungs have been pierced; the muscles quiver as if agitated by galvanism; blood starts to the eyes, which protrude, and look glazed, and the whole body seems consumed with an overwhelming torment.

But the execution is not yet over; a third and even a fourth blow has still to be dealt.

At the end of the line the executioner commences afresh, this time passing his spear from the lower part of the abdomen out through the root of the neck, again through the flesh beneath the chin and out beside the nose, or through into the brain, as the fancy takes him. The two corpses are thus treated, but the living wretch is slowly and carefully transfixed with the slender lance, the weapon avoiding any spot which might cause instant death. The point pierces the tongue, which hangs out of the open mouth, and emerges between the teeth. Still death is delayed. The crowd loudly applaud the executioner's skill, and revel in the sight of the torture which he is inflicting. The burning sun streams down on the dying man, adding to his agony; flies settle on the rivulets of blood which course slowly down his white flesh; sweat forms in great gouts on his brow, but the kindly hand of death is withheld.

Voices from the crowd mock the dying victim; curses are hurled at him; gibes at the Foreign Power which he had hoped would have been feared sufficiently to have protected him from this fate. Thus he lingers in untold torment, praying for death, for insensibility at least. Every breath is torture, burning the lungs as if it came from a fiery furnace. Time wears on, and the magistrate grows tired of the scene, so he instructs the executioner, whom he compliments on his prowess, to administer the coup de grâce.

One line is wanting to form a complete star—the transverse spear at right angles to the upright of the cross. This the executioner now adds to those he has already inserted in the bodies of the Japanese. When, however, he comes to the mangled European, he hesitates. It seems almost a pity to spare him any additional suffering, if he could possibly inflict it. The orders of the magistrate, however, have to be obeyed. The fourth spear is added, but so skilfully is it done that it does not kill the agonised man. Then comes the final scene. To bring about death the brutal executioner grasps the ends of two of the spears and violently works them to and fro. The blood gushes out of the enlarged openings, and the pain is supreme. The other two are similarly treated, and the rapid loss of blood at last causes death. The bodies remain where they are during the day as a warning to the general public.

Thus were executions carried out in Japan till comparatively recently. There were some minor alterations in the procedure in different districts, such as only transfixing the victim with two spears, but in the main the description holds good for the whole of the Land of the Chrysanthemum.

When Western civilisation commenced to influence the Japanese, crucifixion was abolished, and nowadays the Japanese hang their malefactors precisely as we do in England, the executions being private.

When one comes to consider the fearful agonies which were inflicted in the name of the law, we cannot but think that there is a little excuse for those who desire to have the capital punishment abolished.

Singular Conviction.

It has sometimes happened that a man who has committed a very atrocious crime has been hanged for a circumstance in the perpetration of it, which was in itself perfectly innocent.

Thus, a servant who had attempted to murder his master by giving him fifteen wounds upon the head and different parts of the body with a hatchet was convicted and executed, not as an assassin, but as a burglar, because he had been obliged to lift up the latch of his master's door to get to his chamber. This seems curious enough in these days, when murder is the only capital crime—apart from high treason—known to the law; but it was of common occurrence many years ago.

The Juvenile Horse-stealers.

Lord Houghton was once visited by a poor laundress, who informed him that her little son, aged eleven, had been arrested, with another boy of the same age, charged, and committed to Newgate by a magistrate, for horse-stealing. It appeared that the boys had been playing on some waste ground near London and had found an old mare grazing there. They put a handkerchief in its mouth, got on its back, and were riding about in great glee until stopped by a policeman. The woman asked Lord Houghton what she should do, and he advised her to dress the boys carefully on the day of the trial, with white pinafores and their childish locks well displayed. The boys, when they appeared in the dock, looked the picture of innocence, so that the judge, when informed that they were charged with horse-stealing, did not wait to hear an outline of the facts, but at once said, "This prosecution is all stuff and nonsense. It is a most ridiculous charge. Horse-stealing, indeed! The children may have stolen a ride, perhaps, but they are not charged with that heinous offence. They must immediately be discharged."

The Biter Bit.

A smart attorney, who had a great opinion of himself and who was fond of playing jokes on people, but who strongly objected to having them played on himself, was once driving along the road near Tooting, in Surrey, when he overtook a pedlar carrying his pack. Pulling up, the lawyer asked the latter what he had got to sell, and the itinerant vendor at once opened his pack and displayed his wares. The attorney took up a pair of braces, and asked how much they were. "Sixpence," replied the pedlar. The money was paid, and the man of law then asked the vendor if he had a licence, and receiving what sounded to him like a doubtful affirmative, demanded to see it. The pedlar, after some hesitation, produced it; whereon the attorney, thinking he had frightened the pedlar sufficiently, and, having had his joke, said, "Well, my good man, it's all right, I see. I was only joking. I do not want these things, and what do you say to my selling them again to you? I shall take threepence—a bargain." The pedlar gave him the threepence asked; but he took care to inform the Revenue officer of the proceeding of Mr. Attorney, which led to the latter being charged before the magistrate and fined for selling goods on the highway without a licence.

The Patron "Saint" of the Lawyer.

In the year 1300 a famous lawyer of Brittany, St. Evona, or Ives, was lamenting the fact that his profession had not a patron saint to whom they could look up. The doctors had St. Luke; the champions had St. George; the artists and the other professions, with the single exception of the lawyers, each had one, and he thought that the Pope ought to bestow on them a saint; and therefore he went to Rome and asked his Holiness to give the lawyers of Brittany a patron. The Pope was somewhat puzzled with the request, and suggested to St. Evona that he should go round the church of St. John de Lateran blindfolded, and, after he had said fifty Ave Marias, the first saint he put his hands upon should be his patron. The lawyer willingly agreed to this solution of the difficulty. When he had finished the Ave Marias he stopped and laid his hands on the first image he groped his way to, and cried out with a loud voice, "This is our saint! This is our patron!" But when the bandage was taken from his eyes he was considerably astonished to find that, though he had stopped at the altar of St. Michael, he had laid hold, not of that archangel, but of the figure under his feet—the devil! This is said to be the manner in which the griffin came to be the patron of the legal profession.

The Highwayman Outwitted.

Shuter, the celebrated actor, was once engaged to perform for a few nights in an important city in the North of England. The stage-coach in which he travelled had only two passengers—Shuter and an old gentleman, a city merchant. The coach was stopped by a highwayman, who speedily cleared out the old gentleman, and then turned his attention to Shuter, who sat, apparently asleep, on the opposite seat. He was awakened, however, by a smart slap on the face, a pistol was presented at him, and he was told he would soon be a dead man if he did not give up his money. "What, me—money?" said the actor, with a shrug, a yawn, and a countenance inexpressibly vacant. "Oh, sir, they never trusts me with no money. Uncle, there, always pays for me—turnpikes, and all." And he pointed to his fellow-traveller, with a grin. The highwayman gave him a few curses for his stupidity, while the old gentleman grumbled that he should be the only victim. Shuter continued his journey with infinite mirth and satisfaction, and with his well-filled purse intact.

FAUNTLEROY, The Forger

How a popular and highly-esteemed Banker defrauded the Bank of England of £300,000.

"Tremble, thou wretch,
Thou hast within thee undivulged crimes
Unwhipped of justice."

—SHAKESPEARE; "King Lear."

AN enthusiastic lover of cricket, and one of the pleasantest of its many chroniclers, the Rev. James Pycroft says, in one of his novels, "There is one place where I can always leave worry behind, namely, the cricket ground." And he adds, "Why, at Lord's I have seen five thousand men standing in a triple ring all round the field, so intent on the crafty attack of a Lillywhite and the stubborn defence of a Pilch, that you may swear an alibi of all gnawing care for every mother's son of them for hours together. Ay, and I could name a man of sad celebrity some five-and-thirty years ago (the author was writing in 1859), who, living in constant sleepless terror of the law's vengeance, which at last consigned him to the gallows, used, on returning from his guilty banking-house, to mix with that excited throng, striving to divert his agonising thoughts; and when the game was over, I could tell how he would take home with him the happiest and most buoyant of those joyous spirits, and snatch in his company some moments of that repose which his crimes had banished from his nightly pillow."

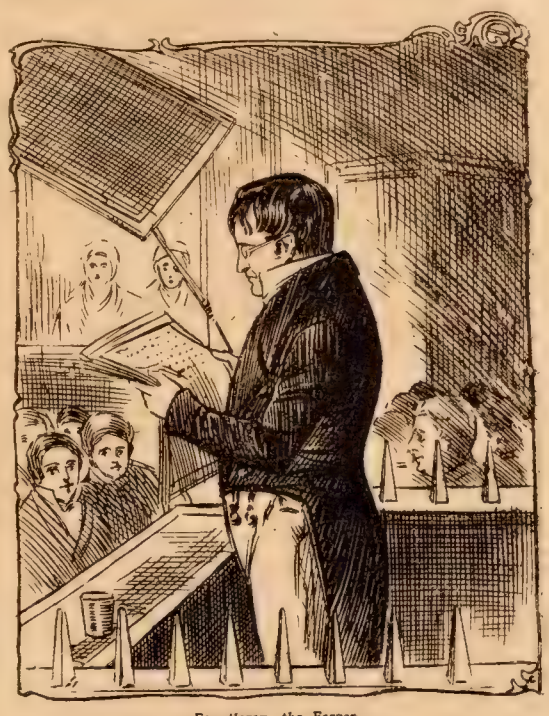
The "man of sad celebrity" thus referred to was Henry Fauntleroy, banker and forger, the subject of our present article. No man in London was more respected than he, up to the very moment when his crimes were made known to the world. He was admitted to the best society in "Town," he was on friendly terms with the leaders of fashion and of sport, everywhere regarded as the model of a quiet, refined, honourable English gentleman, the beau ideal of a cultured, accomplished, polished, and genial man of business. His very appearance was enough to inspire confidence. The thin face, with its aristocratic features—which he was vain enough to think strongly resembled Napoleon's—the neat, compact, slender figure, with its general air of breeding, the carefully powdered hair, the dress in the perfection of quiet taste—all these combined to give the man the look of an embodiment of high moral tone. His dinner parties were models of perfect cookery and refined conviviality, pleasant gatherings, where every guest enjoyed himself to the full, where none could complain of any lack of choice wines, and yet where there was an utter absence of the coarse excess which marked too many dining-tables in those days.

The same atmosphere of intense respectability pervaded the establishment at No. 6, Berners Street, at the entrance to which, on a brass plate, was the simple inscription, "Marsh, Stracey, Fauntleroy, and Graham"—names great on 'Change, potent in the Bank parlour, and influential in Lombard Street; in fact, standing as high in the commercial world as did those of Overend, Gurney, and Co., before their sudden and terrible collapse. Punctual as the Horse Guards' clock, Mr. Fauntleroy came in every morning at ten o'clock from his mansion at Lambeth, turned the corner from Regent Circus, and solemnly pushed open the bank doors, hushing at once all chatter of clerks, all those snatches of songs and those theatrical and sporting reminiscences in which they were wont to indulge before the arrival of the "governor." These business-like habits were hereditary, for the father of Henry Fauntleroy had been a banker before him, and in consequence of his exceptional knowledge of banking had been promoted from a clerkship to a partnership in the firm of Marsh, Sibbald, and Co., in the year 1792. On his father's death, in 1807, Henry, who had acquired a mastery over all the minutest details of banking more remarkable even than that of the elder Fauntleroy, was admitted to a partnership in the house, which thenceforward bore the name of "Marsh, Stracey, Fauntleroy, and Graham."

But the leading spirit of the firm was Henry Fauntleroy, who, at the early age of twenty-two, found, to use his own words, that "the whole weight of an extensive but needy banking establishment at once devolved upon him." For, despite its external respectability and solvency, the house of "Marsh, Stracey, Fauntleroy, and Graham" was by no means in a prosperous condition when Fauntleroy became a partner, and matters soon went from bad to worse.

In 1810, owing to the bankruptcies of certain other firms, a sudden demand for no less a sum than £170,000 was made upon Fauntleroy's bank. Other losses to the extent of £100,000 befell the house between that time and the year 1816. Then the Bank of England, undoubtedly aware from its extensive information of the slight means of the house, refused to discount its bills. But, severe as this blow was, the house survived it, and, to outsiders, appeared to be as prosperous, respected, and solvent as any in London.

Henry Fauntleroy had his pretty villa at Brighton in the season, his substantial mansion at Lambeth, and his comfortable residence in Berners Street, over the offices of the bank; and he kept up all these establishments in good style, though without any ostentation, for anything approaching to vulgar display of wealth was repugnant to his nature. There was, indeed, some little mystery hanging over the domestic relations of this blameless banker. He was separated from his wife, but the two children said to be hers were under his care. It was said afterwards that the children were born before marriage, and that he never lived with his wife after the ceremony. How far this may have been true we know not; but Mr. E. H. Budd, who was an intimate friend of Fauntleroy's, used to tell this anecdote: "Many years before his death, Fauntleroy said to me, 'Keep yourself disengaged to-morrow to dine with me at Greenwich.' After dinner he said, 'I was married this morning to my cousin, and, as had been previously agreed, we parted at the church door with the understanding we were not to meet again.' I asked him how he came to do so, and in reply he said, 'A military relative forced me to marry in fear of being called out.'" That has a suspicious look, and we have very



Fauntleroy, the Forger.

From an engraving published at the time.

little doubt that, irreproachable as Henry Fauntleroy's life appeared to be, even to his friends, it was not by any means a strictly moral one so far as his relations with the other sex were concerned. Still, there was no outward indication of these failings, and the name of Henry Fauntleroy stood as unblemished in society as on 'Change.

Imagine then the feelings of Londoners when, on opening their newspapers at half-past eight on the morning of September 11, 1824, the first words that confronted them in large capitals were these: "Arrest of Mr. Fauntleroy, the Eminent Banker, on a Charge of Forgery!"

The news fell like a thunderbolt on City and West End circles alike. But there was no mistake about the truth of the announcement. On the previous day a customer entered the banking-house of Marsh, Stracey, and Co., and, requesting an interview with Mr. Fauntleroy, was asked into his private counting-house. Within a minute the visitor was followed by Samuel Plank, a Bow Street police-officer. Up sprang one of the clerks, and informed the intruder that no one must invade the sanctity of Mr. Fauntleroy's private apartments. But the burly officer pushed his way past, saying brusquely that he wanted to speak with Mr. F. particularly, and, entering the bank-parlour, closed the door behind him. "I am Samuel Plank, from Bow Street, and I hold a warrant for your apprehension, Henry Fauntleroy, on a charge of forgery." On hearing these words the banker went deadly pale, and for a moment was too agitated to speak, then he hurriedly exclaimed, "Good God! cannot this business be settled?" Plank begged him to make no noise, but to walk out quietly for a few minutes, and they could talk about it. Mr. Fauntleroy then signed a few blank cheques for the business of the house with a hand so unsteady that it was difficult to recognise his signature, and told his head clerk he was going out for a quarter of an hour. During this interview he offered Plank £10,000 to allow him to escape, but that grim officer was not to be bribed. He conducted his prisoner to the private residence of Mr. Conant, the magistrate, who signed a warrant committing Fauntleroy to the House of Correction, Coldbath Fields, pending his public examination before the court.

We need not dwell upon the excitement which the subsequent magisterial examination produced; suffice it to say that Henry Fauntleroy was committed to stand his trial at the Old Bailey on a charge of having disposed of Bank of England Stock to the amount of £170,000 by forged powers of attorney. The actual amount of which Fauntleroy had thus defrauded the Bank of England was close upon £400,000, but he was only prosecuted for the smaller sum. As to his guilt, there was no shadow of doubt, for, on searching his private room, there was discovered a tin box, which contained a list, in the prisoner's handwriting, of forgeries which he had committed to the extent of £120,000, at the foot of which was the following declaration:

"I AM SAMUEL PLANK, OF BOW STREET."

"In order to keep up the credit of our house, I have forged powers of attorney, and have thereupon sold out all these sums, without the knowledge of any of my partners. I have given credit in the accounts for the interest when it became due. (Signed) "HENRY FAUNTLEROY."

"May 7, 1816."

These significant words followed:

"The Bank of England began first to refuse our acceptances, and thereby to destroy the credit of our house; they shall, therefore, smart for it."

On October 30, 1824, the trial commenced. In the meanwhile the most extraordinary stories were current about the prisoner's previous life. Charges of the grossest immorality were made against him; but beyond the fact that he kept a mistress at his house in Lambeth, there was little truth in the rumours circulated. There was hardly a notorious woman in London or Brighton, or even Paris, with whom his name was not associated by these reckless libellers. He was accused of being an inveterate gambler, whereas he had never been known to venture more than a shilling in a game of billiards. These reports distressed him greatly, and a considerable portion of his speech in defence of himself was taken up with refuting them. He indignantly denied, too, that he had ever devoted a single shilling of his embezzlements to his own use. All these sums he declared to "have gone exclusively to support the credit of a tottering firm." Never have there been such witnesses to character.

Sir Charles Forbes and fifteen other witnesses who had known the prisoner for from ten to twenty years each, attested their high opinion of his honour, integrity, and goodness of disposition. They were all his sincere friends, and no doubt of his probity and trustworthiness had ever crossed their minds. But of what use was all this testimony in the face of the damning evidences of his guilt?

The jury retired but for twenty minutes, and then brought in a verdict of "Guilty." Actual sentence of death, however, was not passed upon him until the termination of the Sessions. During the interval between his conviction and execution great efforts were made to obtain a commutation of his sentence, and, failing that, it was said that neither money nor pains were spared to procure his escape. Mr. Edward Hayward Budd, the famous cricketer, athlete, and all-round sportsman, was popularly, but erroneously, supposed to have been the prime mover in these attempts. What really did happen was as follows: Mr. Budd was on his customary visit at Ebberston, Squire Osbaldeston's Yorkshire seat. When he had been there two days he received a letter from Fauntleroy, dated from Coldbath Fields; it ran thus:

"If your operations in the North are not of more consequence than attending a suffering friend, perhaps you will come up."

We will let Mr. Budd tell what followed in his own words:

"Though I should lose a few weeks of first-rate shooting, I started immediately. I was in daily attendance upon him in Coldbath Fields, and after his subsequent removal to Newgate; and, excepting the chaplain, I was the last person he saw in his cell. It has been said that I offered the man at the gate £800 to allow his escape. I knew nothing of any attempt to tamper with any custodian, excepting in the fact confided to me by Fauntleroy that he had 'offered a considerable sum to the man at the gate,' to allow him to pass, who had procured for Mr. Fauntleroy a small silk bag, in which he would place notes to wear next his skin; and my impression was that the money (whatever it may have been) was intended for 'the man at the gate.' I somehow learned the amount was £800, but whether from Fauntleroy or how I know not; neither do I know how he got the money. However, as regards any attempt to escape, the poor fellow was not the man (even in the early part of his confinement) to engage in any attempt that required energy; and, indeed, for some days prior to his end the clergy had so far worked upon his feelings that, had he the chance to have escaped by merely walking out, I don't think he would have availed himself of it. If I had been in his place, and enjoying the liberty Fauntleroy was allowed, I should have tried. After the poor fellow had been disposed of, Vickery, the governor of Coldbath Fields Prison, asked me if I had contemplated Mr. F's escape. I asked, 'Why do you wish to know?' 'Because,' said he, 'I wish to know if those about me are trustworthy.' And my reply was, 'I have no hesitation in saying that I know nothing to the contrary,' adding, 'You can trust the man at the gate.' This I was induced to say by what Fauntleroy had told me about the proffered bribe. In return for my candour Vickery informed me that I had been strictly watched, and that had I been found aiding an escape I should have been instantly shot. I subsequently received Fauntleroy's dressing-gown, slippers, and shirt studs, with a written memorandum of his desire that I should possess the only memento he had in the world to leave. I have often been astonished at his falling asleep in his chair after dinner, when he would mutter a great deal that I could not understand. He would wake up suddenly in a most agitated manner, and seeing me would say, 'I always feel safe when I am with you.'"

On the morning of the 30th November, 1824, in the presence of a vast multitude who had gathered to witness the novel spectacle of an "eminent banker" meeting the fate of the lowest ruffian, Henry Fauntleroy, carefully dressed, and singularly composed in manner, came out on the scaffold in front of Newgate Prison—to die. After one glance round at the seething mass of human beings which blocked the streets and densely thronged every roof and window, he closed his eyes and prayed, and the words of fervent prayer were still upon his trembling lips when the bolt was drawn, and Henry Fauntleroy, the forger, was launched into eternity.

We may conclude with an anecdote, for which we are indebted to the late Walter Thornbury, illustrative of the deep sincerity of dinner friendship, and the profound attachment of which boon companions are capable. Fauntleroy's elegant dinners had been particularly renowned for some remarkable and matchless Curaçoa. When he was ordered for execution, three friends, bound to him by the remembrance of many feasts and many glasses of this famous Curaçoa, had a parting interview with him in the condemned cell. They had discharged themselves of such edifying remarks as they had brought with them, had taken their final leave of him, and were about to retire, when the most impressive of the three stepped back and said, "Fauntleroy, you stand on the verge of the tomb, and eternity awaits you! We brought nothing into this world, and it is certain we can take nothing out. At so supreme a moment, have you any objection to say how, and of whom, you procured that Curaçoa?"

No Hangman Available.

In Lord Wolseley's "Story of a Soldier's Life" there is a grim story of a field execution. A "horrid-looking little ruffian" had murdered an artilleryman, and was sentenced to be hanged. But not even a reward of £20 and a free discharge would induce any man in the fighting ranks to act as hangman. At last "a wretched little driver" consented, but shammed illness at the last moment. "Lord William Paulett turned to the Provost-Marshal, and, in the coolest possible manner, as if he were giving the most usual order, said, 'Captain Maude, you will have the goodness to hang the prisoner.'" The captain turned countenance, but turned round to his provost-sergeants to ask, "Which of you will hang this man?" One sergeant stepped forward, and so the waiting prisoner looking on at the scene was dispatched. The defaulting driver was flogged for shirking the task, and, "as this punishment was inflicted by the provost-sergeant who had to perform the unpleasant duty in his place, I feel sure it was carried out with no light arm."

Another officer used to tell how he was actually under the necessity of acting as hangman at Lucknow. The man who was performing the duty was bungling badly, and was told, "That's not the right way to hang a man," to which he replied, "I beg pardon, sir, but I've never had no complaints before." In spite of his experience, he was very clumsy about making a noose on this occasion, and a young lieutenant had to show him how.

He Outwitted the Pawnbroker.

Sir Jonah Barrington was deeply in debt through his gambling propensities, and was obliged to pawn all his family plate with a Mr. Stevenson, the Attenborough of those days. One day he requested a private interview, and said to the pawnbroker, "You see how I am circumstanced, Stevenson; I have asked the Viceroy, some lords and judges, to dine, and I must borrow back my plate just for this one day. I assure you, my dear fellow, you shall have it again all right, and, to make this quite certain, I think I may as well invite one private friend, and you, as a member of the Common Council, will perhaps enjoy meeting these eminent people, and of course you need not leave the house till you can take the plate with you." The financier was delighted at the invitation, and the more so because he saw, or thought he saw, the absolute certainty thereby, of not losing possession of his security. The glimpses of high life, the wit, the jokes, and the novelty of the surroundings so captivated him that he, out of sheer good-fellowship, tasted the champagne much too liberally, and the result was that he had to be sent home in a cab helplessly drunk. Unfortunately, the plate could not be conveniently sent with him; at any rate, it was not. But next day, on calling on Sir Jonah about the matter, it was not to be found, and neither was the baronet—a fact which considerably surprised the unsophisticated creditor.

A Life-Drama.

Being the Strangely Tragical Deaths of Amy Roselle and her husband, Arthur Dacre.

"Before the beginning of years
There came to the making of man
Time, with a gift of tears;
Grief, with a glass that ran;
Pleasure, with pain for leaven;
Summer, with flowers that fell;
Remembrance, fallen from heaven;
And Madness, risen from hell;
Strength without hands to smite;
Love, that endures for a breath;
Night, the shadow of light,
And life, the shadow of death."

—ALGERNON CHARLES SWINBURNE.

IN the annals of the stage it is seldom that we light upon a page stained by crime. Whatever may be the dire tragedies portrayed by the players, it is most uncommon that tragedy of the deeper sort enters into their private lives. Actors and actresses, for the most part, are a light-hearted race. They are buoyant under troubles which would submerge sterner people in a gulf of despair, and when prosperity smiles, who so gay as they? "There's not much money, but there's lots of fun," wrote the histrionic aspirant to his affectionate mother, and it is generally in that mood the player approaches his work, however hard it may be.

Occasionally, nevertheless, a big red splash may be observed upon the records of the theatre, and it is at one of these that we must now pause, with a sympathetic tear in our eyes, and a pang of pity in our hearts.

Miss Amy Roselle was one of the most graceful and charming actresses upon the stage during the final quarter of the last century. She was little more than forty years of age when the terrible tragedy we are about to recount occurred, having been born in 1854. In her childhood she appeared in public with her brother, Percy Roselle, and, like him, was looked upon as an "infant prodigy." In pantomime and burlesque, the former at Drury Lane, she made a rather conspicuous figure.

Her father, a schoolmaster at Glastonbury, her birthplace, was so far alive to the precocious intelligence of the two children that he gave up his profession to become a theatrical manager in their interest and his own, in the provinces, where they soon obtained a large following.

During an engagement at Exeter, in her sixteenth year, Amy attracted the notice of Mr. Sothern, then on tour with "Lord Dundreary." He secured for her a leading place at the Haymarket Theatre, under the management of Mr. Buckstone, and had every reason to be satisfied with his recommendation. Young though she was, she could play Lady Teazle with excellent effect. Buckstone said he was "most delighted" with her, and the critics united in giving her a cordial greeting. "Miss Roselle," said one, "comes to London just at the right time, as we are sadly in need of a good ingénue." Another of her essays at the Haymarket was in Henry J. Byron's "English Gentleman; or, the Squire's Last Shilling." "Young, pretty, clever, utterly devoid of staginess and affectation, Miss Roselle played a small character so well as to win over her audience at once," we were told. Subsequently she accompanied Mr. Sothern on a tour in the United States, and on her return supported Mr. Phelps and Mr. Creswick at the Princess's Theatre in such parts as Ophelia, Desdemona, Portia, and Julie de Mortemar. Perhaps she will be best remembered nowadays to our older readers as having been the original Mary Melrose in "Our Boys." During the phenomenal run of that piece, 1,200 nights, she was rarely out of the bill, and the audience watched for her every evening.

Her progress on the stage may be gathered from the fact that in 1878 she was selected by Mr. and Mrs. Bancroft to take the place of Mrs. Kendal as Dora, in "Diplomacy," at the old Prince of Wales's Theatre. There, of course, she had a formidable comparison to encounter, but it is only fair to say that she came out of the ordeal with considerable success. Other characters in which she distinguished herself soon afterwards were Esther Eccles, in Robertson's "Caste," Cynisca, in Mr. W. S. Gilbert's "Pygmalion and Galatea," Mrs. Blythe, in "The Colonel," and Constance, in "King John." Her Cynisca, played at the Lyceum during Sir Henry Irving's tour in the United States, to the Galatea of Miss Mary Anderson, was so fine and forcible that she stepped into the very foreground of the picture.

Marrying Mr. Arthur Dacre about the year 1885, she appeared with him as Alma Blake, in the "Silver Shield," Belinda, in Mr. Henry Hamilton's "Harvest," and as the heroine of "Esther Sandraz," parts in which she achieved no little reputation, not only in London, but in the course of a two-years' provincial tour with her husband. In 1889, at the conclusion of that tour, finding nothing better to do for the time being, she gave recitations, first at the Empire Theatre, in an interval of the usual entertainment there, and then at Princes' Hall. Three years later, after a tour with her husband in America, she was engaged by Sir Henry Irving to be Miss Ellen Terry's "under-study," as Queen Katherine, in "Henry VIII." Towards the end of 1894 she took the fatal journey with her husband to Australia which ended in her death at his hands, and in the suicide of the survivor.

Such was the eventful career of this talented lady, the final tragedy of whose life we are about to relate.

In regard to her husband, who sacrificed his own life at the same time, there is not a great deal to be said, beyond that he was one of the handsomest men upon the stage, and an intelligent and cultured actor. His real name was Culver James. Originally a surgeon, he entered the theatrical profession under the auspices of Dion Boucicault, in the United States, playing Captain Molyneux, in the "Shaughraun." Returning home, he was cast for Harold Kenyon, in "The Old Love and the New," in which he met Miss Roselle for the first time. Madame Modjeska made him her principal supporter, and as time went on he figured prominently as Jim the Penman, Loris Ispanoff, in "Fedora," Camille Dujardin, in "The Double Marriage," the Scoundrel in "Rumour," Dorian Cholmondeley, in "The Royal Oak," and Captain Tempest, in "A White Lie." His performance of Loris Ispanoff was described by more than one critic as the finest that had been seen in England; and so his record closes.

It was with the best of wishes from their numerous friends, theatrical and others, that Mr. and Mrs. Arthur Dacre sailed from England for the Antipodes, in December, 1894. Little did either of them think, as they stood on deck, watching the slow-receding shores of Albion fade from their sight that they should never cast eyes on their dear-loved land again. Carefully stowed away in her luggage, Miss Roselle had stored a little package of English earth, upon which were written the fateful words, "To be sprinkled on my coffin should I die abroad." There must have been something of a presentiment in her mind when she wrote that instruction, but who can tell what?

They were a pair of married lovers, these two. Their lives were bound up in each other. A more devoted couple could never have been met, and this very fact was one of the causes of the financial disaster which terminated in the tragedy. They keenly disliked the idea of being apart, and it was impossible for them always to obtain engagements together. When Mrs. Dacre was visiting Birmingham, as a member of the Lyceum company, her husband wrote to a friend, "She is naturally a little depressed at her having to go away, for it is the first time we have been separated." They ever struggled their hardest to avert the necessity for any parting, though they each might have had excellent engagements had they submitted to a separation for a time. This they would not agree to, and joint appearances were not always convenient to managers. Thus the coffers became perilously empty, and there was little chance of refilling them on the rules they laid down for themselves. A visit to America was tried with results the reverse of satisfactory, and the tale of disaster was continued with the taking of the Opera

Comique. Then came the Australian venture, at the conclusion of which was that long engagement which we must all enter upon some day.

The tour in the Antipodes opened under the most auspicious and encouraging circumstances. As Mr. Dacre had been a member of the medical profession, Dr. O'Hara, one of the most eminent of Melbourne surgeons, gave a grand reception in honour of the actor and his celebrated wife, at which all Melbourne society attended. The Hon. George Coppin, M.L.A., "the father of the Australian stage," also invited a distinguished company to meet them. Their début in the Melbourne Bijou Theatre was a crowded and most successful function. They drew crowded houses for a fortnight, and then the attendance began to fall off. This was disappointing, but there was worse to come. They tried Adelaide, and there, too, the results were disastrous. They then opened at Sydney, but failed to draw. A tour in New Zealand was made, but there again the business was very

THE END OF THE DRAMA!

poor. A return to Sydney was decided upon, and they succeeded in getting an engagement at the Theatre Royal at a joint salary of £30 per week for the season, but, unfortunately for them, the season only lasted three weeks.

The Dacres at this time had an offer to go to South Africa, and their prospects seemed to be somewhat brighter. The lack of success they had experienced, however, and the troubles they had gone through, preyed on Mr. Dacre's mind, and he became very gloomy and despondent. He had sometimes spoken to friends about the ill-luck which constantly followed him, and told them he saw no way out of his difficulties but by suicide. He also stated that he had talked over the situation with his wife, and that they had decided that, when the end came, they would die together. Mrs. Dacre also made the same statement, adding that when the time came she would meet her end bravely, as a British woman should.

The day before the tragedy, both seemed cheerful. Dacre spent the Sunday in writing letters. In the afternoon Mrs. Dacre took a soporific. How soon after this the tragedy occurred is a matter of conjecture. The bell was rung violently, and the poor lady was found shot twice through the left breast, and subsequent examination showed that the heart had been pierced. Dacre was discovered with his throat cut, evidently by his own hand. The carotid artery was severed, and the wounds showed surgical knowledge.

Amy Roselle in her death was smiling happily and peacefully, but her husband was still alive. "Oh, my God, what agony!" he gasped out, and struggled to throw himself upon the bed beside the body of his beloved wife. In the struggle he died.

At the inquest the jury found that Amy Roselle had died by her husband's act, and that Dacre had committed suicide.

The funeral of the pair was very largely attended. All the theatres, and many of the principal citizens, sent wreaths, among those thus expressing their sympathy being Chief Justice Sir F. M. Darley, the Acting Governor, and Lady Innes.

All the particulars of the Dacre-Roselle tragedy tended to show premeditation and a complete understanding between husband and wife. At the time of his death Dacre was studying a very heavy part in a play entitled "The Silence of Dean Maitland," and this, it is supposed, acting in conjunction with the depression caused by his financial losses, had a culminating effect in completely unhinging his mind and precipitating the awful ending.

In letters written by Dacre to Mr. Leighton, a brother actor, the writer expressed the most intense affection for his wife, and said that he had tried to live by the profession which both he and his wife loved, but had failed. One of the letters ended by saying: "We are broken-hearted. God bless you!" He also wrote a long letter to Mr. Clement Scott, giving an account of his experiences. In another letter to a fellow-actor he said he would rather be anything—a butcher or a baker—than an actor.

The little packet of English earth was brought forth at the funeral, and reverently sprinkled upon the unhappy lady's coffin in the grave. Thus was the wish she expressed in life fulfilled in death. A clergyman of the Anglican Church officiated, and read part of the service.

HOW A GANG OF RUFFIANS ROBBED & SLEW AN OLD WOMAN OF EIGHTY.

THE Ribchester Murder.

"Though the non-human powers
Of nature harm us not
The ill-deeds of other men make often our life dark."
—MATTHEW ARNOLD,
"Empedocles on Etna."

"HULLO! where are you going, Joe?" asked the master of the Ribchester workhouse on the afternoon of the 10th of November, 1862, of Mr. Ward, the labour-master of the same institution.

"Oh, I'm just going over to see old Nanny," replied his colleague, as he stumped off through the gate. From his tone one would not have gathered that he had anything particular to do with "Old Nanny," but merely intended to pay a friendly call at the little beershop which the old lady kept. But there was a lot of kindness in the heart of Joseph Ward, hidden beneath his rough exterior, and many were the little acts of kindness which he did for those who were helpless or weak.

Old Nanny, or, to give her her proper name, Mrs. Ann Walne, was a widow, some eighty years of age, who lived in a tiny farmhouse close to the walls of Ribchester workhouse. She had been a widow for over eighteen years. Attached to her home was a small farm, and in the early days of her widowhood her two children helped her to manage the holding, but, with advancing years, the children married and set up for themselves, and a niece came to assist Mrs. Walne. Love overtook the niece as well as the children, and again Old Nanny was left alone. In these straits Joseph Ward took pity on the old woman, and out of the goodness of his heart arranged to look after the cows and the small farm, so that the venerable dame would not have to give up the homestead which she loved so well, and which she had occupied for over thirty years. His visit to Mrs. Walne, then, on the night of Monday, November 10th, 1862, was only his evening call to milk the cows and shut all up for the night, but he did not think it worth his while to tell the master of the workhouse that.

Having seen that the cattle were all right, Ward went into the house where Old Nanny sold beer, for she held an off-licence, and told her that all was snug.

"Any news fro' t' great town?" queried Mrs. Walne, referring to Blackburn, six miles distant.

"Nowt that I know on," replied Joseph, as he wiped his lips after a copious draught of ale

"Well, put up t' shutters, lad," continued the old lady, for to her the labour-master was a very infant, to be kept in his place.

Ward did so, and as he said good-night to Old Nanny she remarked that she would be going off to bed, as there was nothing at all doing. It was then almost eight o'clock.

Next morning Ward rose shortly before six, and went out to milk Old Nanny's cows, prior to commencing his own labours for the day. When he reached the little homestead he noticed that Mrs. Walne was not astir, and was surprised, for, in spite of her great age, she was very active and vigorous, and was generally up to greet him when he came round, even if it was as early as five o'clock. There was no light to be seen anywhere in the house, which puzzled Ward, but he fancied that Nanny had fallen asleep later than usual, and was taking her rest then, so he went off and milked the cows, after giving several loud raps at the door. When he crossed the road to the byres he noticed that one of the barns was open, and could not remember having left it so on the previous night. Then he milked the cows and returned to the farmhouse. Still there was no sign of the mistress appearing, and he knocked again loudly and called out. To give Mrs. Walne time to dress before coming down to open the door, Ward went back to his own home, returning half an hour later with the milk. Still there was no sign of anybody stirring, and he knocked more vigorously than ever at the front door.

It was then getting light, and he noticed that the key was in the keyhole outside the door. This alarmed him, and he determined to enter. He tried the door, and found it locked; having turned the key he attempted to enter, but was stopped by a barricade on the inside. Thoroughly frightened, he went round to the back, and there saw that the whole of the kitchen window had been torn from its socket, the ironwork being wrenched away from the stones.

Then it was that he first remembered that for some time past there had been great complaints of the depredations of a gang of robbers, which had been infesting the district between Blackburn and Preston. Was it possible that they had entered Old Nanny's house? Lest suspicion should fall on him, Ward ran off to the nearest farm, one kept by Mr. William Pye, and asked that worthy to come with him and search the lonely cottage—for it was little more—in which Mrs. Walne dwelt

Mr. Pye came at once, and the two men entered through the open window. Downstairs they saw evidence of the whole place being ransacked; the cupboards were turned inside out, the drawers in the dresser in the kitchen were lying on the floor, while in front of the hall-door was a pile of chairs and tables, forming an effective barricade. They then went upstairs, and, passing through the front room, entered a little back garret in which Old Nanny slept.

There a fearful sight met their gaze.

Lying on her back on the bed was Mrs. Walne. Her legs were bare, while across the lower part of her body a pillow was laid. Her face was covered with a cloth, and, on removing this, the horrified men saw that a thick woollen kerchief had been forced into her mouth. The face presented a frightful spectacle. The nose was smashed flat with the cheekbones, the whole countenance was terribly discoloured, both eyes were blackened and the lids swollen to double their size. From a ghastly wound on the temple and from another over the right ear blood was slowly trickling, staining the bedclothes a deep red. On the neck and breast of the poor old woman were terrible bruises, while the disorder of the bedclothes showed also that a terrific struggle had taken place.

The body was quite cold, and it was evident that death had taken place some hours before the terror-stricken neighbours found the corpse.

Of course the police were communicated with, and Superintendent Green, with Inspector MacNab and Sergeant Whiteside were soon on the spot. They could only note what the labour-master and Mr. Pye had already seen, and remark that, if robbery was the motive, it was strange that the burglars should have left a small cup containing 1s. 6d. on the chair beside the bed. On the floor they picked up a churnstaff, some five feet long, which was possibly the instrument with which the murder had been committed, though, from the appearance of the wounds, it would seem as if some smaller weapon had been used. Outside the house, however, they saw the marks of clogs, and took impressions of these. Later in the day they found that the footprints corresponded to a certain extent with those produced by the clogs of one Tom Davies, a labourer, in the employ of Mr. Bourne, one of the neighbouring farmers. It was also ascertained that Tom had been to see widow Walne on the Monday, and asked her to give him a job on her little farm, for he was under notice to leave his employer. Mrs. Walne had refused to take him into her service, and it was supposed that he had returned at night and murdered her out of spite. On this supposition, Tom Davies was arrested and brought before the Blackburn magistrates, when formal evidence of arrest was given, and the prisoner remanded in custody for a week.

In due course an inquest was held and a verdict of wilful murder against some person or persons unknown was returned. Everybody had made up his mind that Tom Davies was the culprit, though the police found it singularly difficult to produce sufficient evidence to justify his detention in durance. They were, however, making inquiries in another quarter, but the public did not know that.

On Monday, the 1st of December, the good people of Blackburn were startled to learn that on the previous day half-a-dozen well-known characters had been arrested on a charge of committing the murder of old Ann Walne, a crime then spoken of as the Ribchester murder. When the magistrates sat the little court was packed to overflowing with people anxious to catch a glimpse of the suspected persons. Five men were put in the dock, the police intimating that they had accepted the evidence offered by one of the accused, and did not intend to proceed against him. The fortunate man thus separated from his fellows was one Tom Bowling,

Entered through the open window.

a gamekeeper, better known to the roughs of Blackburn as "Chorley Tom."

In the dock stood Duncan McPhail and Daniel Carr, two returned convicts, with George Woods and Benjamin Hartley, well-known poachers, and young William Woods, brother to George, a joiner, who, though never convicted, was suspected to be fond of occasionally bagging a fat pheasant or snaring a hare by night. These five were charged with having murdered Ann Walne on the night of the 10th of November, in her cottage in Fleet Lane, Ribchester.

The only evidence which could then be offered was that Duncan McPhail had told Tom Bowling that he, together with the four men included in the charge, had murdered "Old Nanny" because the old woman would not tell them where her money was kept. Pressed as to details, Bowling said that he knew nothing about how the crime was committed save that she had been hit on the head with a life preserver. The magistrates were about to question the police as to why they arrested Bowling, when the officer who had charge of the case intimated that it would be contrary to the interests of justice if any too minute inquiry was made. The prisoners were then remanded for a week.

No sooner had they been taken down to their cells than one of them, Benjamin Hartley, told the warder that he wanted to see Superintendent Higgs, who was conducting the prosecution. He was taken into a private room, and there he told the officer that he wished to make a confession.

Now, this was exactly what the clever policeman had expected. He knew perfectly well that there would be no chance of bringing the crime home to the accused unless one of them turned traitor, and he expected that after what had been said in court one of the party would be only too glad to save his neck by giving queen's evidence. So he took down Hartley's statement, and at the next sitting of the magistrates it was put in in evidence. The confession ran as follows:

"McPhail came to me a week before the murder of Mrs. Walne, and said that he had been to Ribchester and had found an old woman who kept a beerhouse, and that she had sold one of her cows to pay her rent. He said that he must have that money, as he was 'fast' for money. We met at Dan Carr's on the Sunday night. George Woods was very drunk, so then we resolved not to go that night, but to meet at six o'clock in the evening next day at Salford Bridge. We set off together, and met Carr and George Woods. Carr had a cane with him with a lot of lead on the end of it; George Woods had a stick, and also a small crowbar; McPhail had a crowbar and a loaded pistol, and I had no weapon at all. We went on together, and McPhail said, 'There's a footpath up by the old woman's house; let's take that, it will be the quietest way.' When we came up through the fields we went into a barn and sheltered there from eight in the evening till midnight. McPhail had some rum with him, and so had Dan Carr, and we all drank of it. At twelve we left that barn and went into one of the old woman's outhouses for a short while, where we lay down. Then McPhail said that it was time to begin. We all went out, and they told me to stand at the end of the house and see if anybody came up the lane, and they would go and examine the window.

"Shortly afterwards McPhail came out and shouted to me 'Come here!' I went up the steps at the end of the house and jumped over. Mac said, 'They have got the window out. In you go!' George Woods got in first. I was next. Then Dan Carr struck a match and lighted a lamp and gave it to George. Then he and Mac came in. McPhail and Dan were plundering about downstairs. George and I went upstairs as soon as all were in, and we saw the old woman sitting on her bed. George said, 'Where is your money?' She did not answer, but began screaming, and then I got hold of her and held her down on her back, while George commenced 'rooting' about in the bed. Then he went downstairs. I went after him. Dan Carr and Duncan McPhail were looking in the clock and in the cupboard and all round with a candle. The old woman was screaming, and George and I and Dan went upstairs. I held the old woman on the bed. Dan took out his cane and said, 'I'll make her make less din.' With that he struck at the old woman's head, but he missed her. I had my hand on her brow, and he struck it. I thought he had broken it. I said, 'Oh, dear! what art thou for?' He said, 'Did I hit thee, lad?' I said, 'Ay.' Then he struck the old woman twice by the side of her head, and she cried out, 'Oh, dear! you have killed me!—you have killed me!' George Woods held the light. We all then went downstairs and left her alone. After that, Dan Carr said, 'She must be tied, lads,' and George Woods got two handkerchiefs, and he and I went upstairs to tie her hands. I said, 'George, you must tie her; I cannot lift my hand.' He did so, fastening her hands to the bedposts. While we were tying her, Dan and Mac were upstairs searching about.

"The old woman was alive when we tied her hands, but she kept up a moaning. George asked her where her money was kept, but she did not answer. That was when we went upstairs. When we had finished, we all went out through the window, and out by the gateway to some cottages near there, up the lane to Longridge, and on to Preston. When a little past the railway, near Preston, George Woods said that he had got the money. He divided it, and gave me four sovereigns, and ten shillings and sixpence in silver. All the others got the same amount. Dan struck the old woman a very hard blow, and it made her head rattle."

After this confession, there was nothing to be done but to commit Hartley for trial on his own pleading, as a matter of form, and this was accordingly done, though he was informed

that he would be released as soon as his accomplices had been convicted. Medical evidence was then called, and it was shown that though the wounds on the head would eventually have caused death, yet the actual cause was suffocation, arising from the kerchief which had been stuffed in Mrs. Walne's mouth.

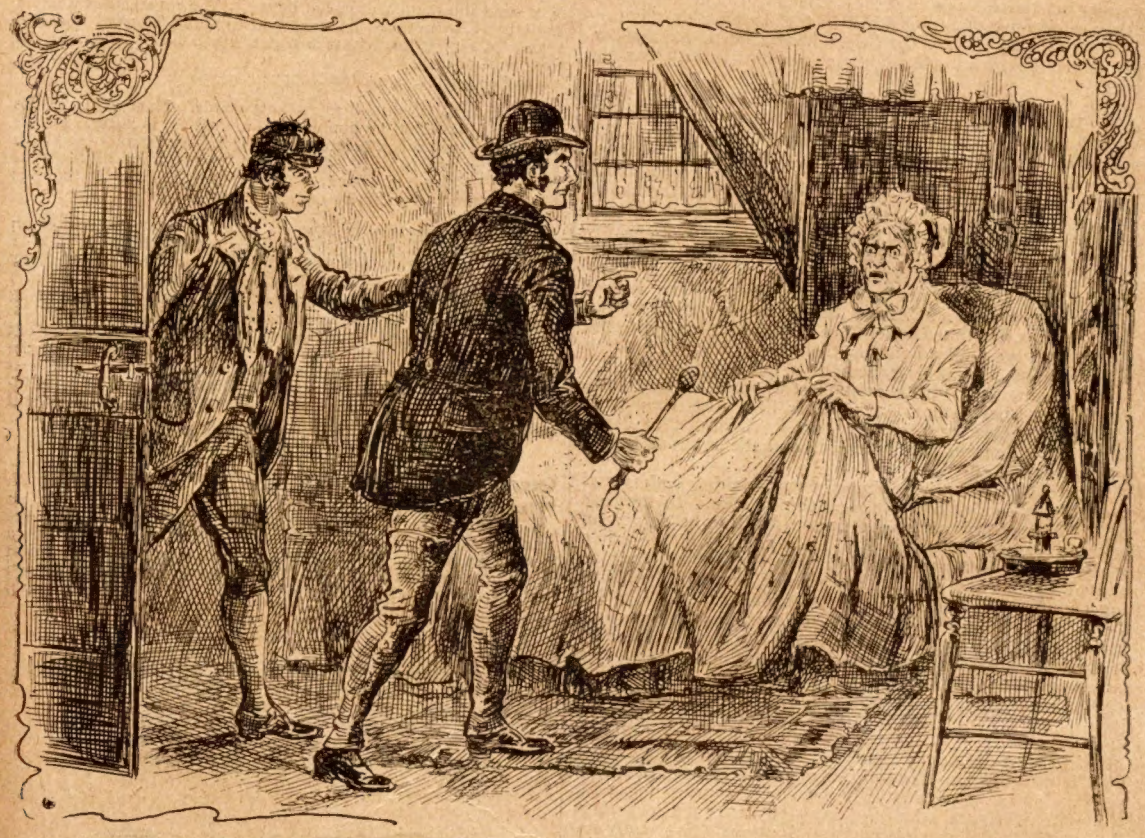
The part that William Woods had played in the murder was then gone into. It was clearly proved that he had been in Blackburn at the time of the tragedy, and had only joined his brother at the end of the week. He had not heard that George had been connected with the crime in any way, nor did he know that any of the prisoners had had anything to do with it. There was nothing in their movements to excite his suspicion.

With that the magistrates ordered him to be discharged, saying that he left the court without a stain on his character. Tom Davies was also set at liberty, the magistrates regretting seemed absurd for the prisoners to plead anything but "Guilty."

On Monday, March 30, 1863, the clerk of the Liverpool Court called on Duncan McPhail, George Woods, and Daniel Carr to take their stand at the bar and plead to the indictment which charged them with having brutally murdered Ann Walne at Ribchester in the previous November.

There was a little stir as an official said a word or two to the judge and usher, then McPhail and Woods were placed in the dock. They waited a moment, expecting Carr to take his place beside them, but he did not come. McPhail grew pallid. Had Dan also betrayed them? It seemed that he had, and the two prisoners gave up hope. However, they both pleaded "Not guilty." The trial then commenced.

Naturally, the confession of Hartley and his testimony formed the chief evidence against the two accused. Hartley, however, had slightly amended his account of the crime, and



"GEORGE SAID, 'WHERE IS YOUR MONEY?'"

that he had been so long kept in custody, but pleading the suspicion which naturally attached to him as the excuse. McPhail, George Woods, and Dan Carr were all committed to take their trial at the next Liverpool Assizes.

All the wretched men seemed to realise that the rope was practically round their necks, but Woods and McPhail did their best not to show it. Carr, on the other hand, was very dejected, and from time to time said that Hartley had sold them all. "I don't mind what happens to me as long as they don't hang me. I could not bear the gallows," he exclaimed frequently to his warders.

"Why did you do it?" asked the gaolers when he complained.

"I do not say that I did it. I can bear anything but hanging, that's all," was his enigmatical reply.

The days passed slowly enough between December and the 30th of March, on which day the prisoners were to stand their trial. The police were busy enough, for they had to produce some other evidence to support that of Ben Hartley and "Chorley Tom," but by the time the judge opened the Commission of Oyer and Terminer, and proceeded to effect a "general gaol delivery," they had the case so strong that it said that McPhail had stuffed the rag into the old woman's mouth to make her be quiet after Dan Carr had hit her with his loaded cane. Tom Bowling swore to the prisoner McPhail telling him of the murder and of his share in it, and said that he then communicated with the police. He was a gamekeeper, and he objected to murder.

The doctor who had made the post-mortem on the poor old woman said that there could be no doubt that death was actually due to suffocation. Ann Walne was a singularly powerful woman, old as she was, and a terrible struggle must have taken place before she was overpowered. The bruises about her body showed that she must have fought like a demon. The blow over the right ear had fractured the skull, and probably rendered her unconscious.

A string of witnesses who had seen McPhail and Woods before and after the murder were then called. On behalf of the prisoners counsel could only urge that the blow was struck in the heat of a struggle, and was not intended to cause death.

The judge summed up very shortly, pointing out that if a burglar killed a person while committing a robbery, he was held to have done so intentionally. The jury then re-

tired, and, after a very short absence, returned into court with a verdict of Guilty against both prisoners, whom they recommended to mercy.

In reply to the usual question as to whether they had anything to say why they should not be condemned to death, McPhail said that he had not the least intention of killing the old woman, and did not know that she was dead till afterwards. He was innocent of any design to murder her. Woods said nothing.

The judge then passed sentence of death, prefacing the dread formula with the statement that the jury had recommended the two convicts to mercy, and the recommendation would be forwarded to the proper quarter, but that he was totally unable to imagine why the jurors should have wished that such ruffians should be spared. He could hold out no hope that the recommendation would be acted upon. Both must die the death of murderers. McPhail and Woods were then taken away to the condemned cells, with the words of doom ringing in their ears, and their hearts filled with wonder at the disappearance of Carr, who had not given evidence against them nor stood in the dock beside them.

But the judge knew that Carr had gone to answer for his crimes before a tribunal more awful than any earthly court.

On the morning of the trial Carr rose and dressed himself. While doing so he again said that he did not mind what happened to him as long as he was not sent to the gallows. He then sat down, and was shaved by an attendant. When the operation was over, the prisoner coughed a couple of times. He did not instantly rise from the chair, and the attendant waited, knowing that Carr had suffered from asthma since he had been in prison. As, however, Dan did not move after a moment or so, the warder spoke to him, and, getting no reply, took hold of his arm. Then he saw that the prisoner was unconscious. The prison doctor was speedily summoned, but when he arrived it was only to announce that Daniel Carr was dead. So, while his companions were pleading for their lives, Dan lay in the prison deadhouse, awaiting the knife of the pathologist.

On Wednesday, April 1, an inquest was held in the prison, and it was shown that Daniel Carr had died from heart disease, probably increased by fear. A verdict of death from natural causes was returned, and the remains buried inside the gaol.

Meanwhile, the prison chaplain was making endeavours to extract a confession from the doomed men. In the case of McPhail he was successful, for on April 20 he signed an acknowledgment of his guilt. His account of the crime much resembles that of Hartley, save for the fact that he omits all of his own share in the murder, and lays the blame for planning the burglary on the shoulders of "Chorley Tom" and Carr. He added, however, that when they asked the old woman for her money she threw a small packet to the foot of the bed, which George Woods picked up. He supposed that it contained cash.

On April 27, 1863, McPhail and Woods were brought out in front of Kirkdale Gaol to expiate their crimes. Both were very pale, Woods being almost unconscious with fright. McPhail muttered something about hoping that those present would profit by the dreadful doom which he was about to suffer, and be converted. The last preliminaries only took a few minutes, and when the drop fell both men seemed to die rapidly, a few convulsive movements being the only indication of the passing of the soul from the body. After hanging the customary time, the corpses were cut down and buried within the walls of Kirkdale Gaol, in the little plot set apart for those whose lives had been forfeited to the law.

Benjamin Hartley vanished, being probably sent out of the country by the police. But for him the murderers of poor old Ann Walne would never have met the fate they so justly deserved. Still, it seems a pity that one who took so large a part in the terrible tragedy of Fleet Lane should have been able to purchase life and freedom by selling his comrades to the common executioner.

Truth and Fiction.

Suicide after sentence—as in the dramatic case of the late Whitaker Wright—is rare in this country.

Charles Dickens anticipated in fiction the fact of Wright's death; for all the circumstances connected with the last tragic affair bear an extraordinary resemblance to the novelist's brilliant account of the exposure and suicide of "Jonas" in "Martin Chuzzlewit."

Similarly, Bulwer Lytton could quote historical facts for a parallel to a son being sentenced to death by his own father, as described in "Paul Clifford."

Leaves from Our Notebook.

A Nottingham Execution.

William Clayton, a youth of eighteen, was tried before Lord Chief Justice Denman at Nottingham on March 20, 1833, for the murder of Samuel Kay, at Sutton-cum-Lound, found guilty, and condemned to death. The circumstances of the crime being commonplace, are hardly worthy of remark, but the facts concerning the execution are not devoid of interest.

Clayton was induced to consent to a confession by the efforts of the Rev. J. W. Brooks, and this gentleman attended the prisoner to the scaffold erected outside the County Hall, and addressed the populace on his behalf. The reverend gentleman said that Clayton was too unnerved to speak himself, and had requested him to read from a paper which he had prepared in the condemned cell.

The following is a literal copy:

"I wish all to attend to my last words. I am guilty of the offence; I have had no happiness, since all sin is bitter. I hope I am sorry for my sin before God. He has given me peace such as I never had before. Oh, take warning from me! Avoid Sabbath breaking, drinking, swearing, and all sins, for this has brought me to an untimely end. "William Clayton."

The cap being drawn over his face, he began to exhibit an inability to stand steadily, and this increased till the drop fell; at that moment he threw his hands up across his breast; they sank, and two or three struggles terminated his life. His body, after hanging an hour, was taken into a small room adjoining the hall, and the apparatus of death was speedily removed.

His remains were buried a few hours after the carrying out of the sentence in the upper felons' yard in the presence of the under-sheriff, the officers of the prison, and the workmen employed, and the pavement was immediately replaced. The inscription over the murderer's grave—"W. H. C., 1833"—is still pointed out by the officials of the gaol.

George the Second.

The conviction of the inequality of many of our laws, as they existed in that monarch's reign, was so strong in the mind of George II. that, except in cases of murder, he would never sign a death-warrant without manifesting every symptom of reluctance and displeasure. He would twirl his hat, and walk hastily round the chamber and complain, in bad English, of the severity of our laws.

One morn, two friends before the Newgate drop,
To see a culprit throttled, chanced to stop:
"Alas!" cried one, as round in air he spun,
"That miserable wretch's race is run."
"True," said the other drily, "to his cost;
The race is run—but, by a neck 'tis lost."

Replies to Queries

Eltham.—We believe that Pook still lives.

Ronald Grahame.—George R. Sims possesses, in his criminal museum, the lock of the hall door of Probert's cottage. No; Thurtell did not suffer on a gallows of his own design.

South Western (East Sheen).—Parker murdered Mr. Pearson by shooting him in a railway carriage on the L. & S. W. Railway, near Surbiton. He was executed at Wandsworth.

Dumbarton Castle.—Yes; Palmer, the poisoner, owned Nettle, who started favourite for the Oaks in 1853 or 1854, and fell in the race. He won the Chester Cup and several good stakes.

Franklyn.—"The Red Barn" murder will appear in due course. A specialist on our staff has been retained to acquire what we may term the inner history of this sensational case, and has been getting "local colour" from Polstead, the scene of the crime.

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